

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 1171 of 2021

(Abhishek Murarilal Agrawal ..vs.. State of Maharashtra through PS.O., P.S. Khamgaon City,
Dist. Buldhana)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. P Bhandarkar, Advocate with Mr. Ganesh Mate, Advocate for the
applicant

Mr. M. K. Pathan, APP for the State/non-applicant

Mr. Ketan Ganorkar, Adv. for informant

CORAM : ROHIT B. DEO, J.

DATED : 13-12-2021

Heard.

2. The applicant is seeking bail in connection with Crime 713/2021 registered at Khamgaon City Police Station, District Buldhana for offences punishable under Section 354 and 354-A of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

3. The applicant claims to be a businessman and respected member of the civil society. The submission of Mr. Bhandarkar is that the applicant is falsely implicated. The other submission is that the applicant has aged mother and pregnant wife to look after and considering the maximum punishment which is provided, further

incarceration shall tantamount to pre-trial punishment considering that the investigation is complete and the charge-sheet is filed.

4. I am not inclined to minutely evaluate the credibility of the rival narratives. According to the applicant, it was because he slapped the child that he is suffering due to the vindictive response and reaction. The family of the child has a counter narrative and the allegation is that the applicant inappropriately touched the child.

5. The applicant is not shown to be a flight risk. The applicant has no adverse antecedent. In this view of the matter, I do not see any propriety in continuing the incarceration. While the learned Sessions Judge has rejected the bail on the ground that the applicant may threaten the informant and the witnesses who are residents of the same locality, at present, there is no material to justify such apprehension. Bail cannot be rejected only because the prosecution chants the mantra of likelihood of threat or pressure to which witnesses may be subjected. If the applicant does indulge in any

inappropriate act or the liberty is misused, the prosecution or the informant have a remedy.

6. A case for bail is made out. The application is allowed subject to the following conditions.

(i) The applicant be released on bail on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with solvent surety of the like amount.

(ii) The applicant shall not make any contact, physical or otherwise, by any mode of communication with the informant or any witness, till the trial is concluded. Even a singular infraction of this condition may entail cancellation of bail.

(iii) The applicant shall not leave the country without the permission of the trial Court.

JUDGE

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