

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

Criminal Application (BA) No.178/2022

Anil Lalu More V State of Maharashtra thr PSO PS Patan, Yavatmal and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.S. Dhore, Advocate for applicant.
Mrs. Shamsi Haider, APP for State.

CORAM : ANIL S. KILOR, J.
DATE : 29-06-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.0131/2021 dated 26-10-2021 registered with Police Station Patan, District Yavatmal for the offences punishable under Sections 376(2)(J), 375 A and B of the Indian Penal Code and Sections 4 and 6 of the Protection of Children From Sexual Offences Act.

2. The learned Counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence. He is not connected with the alleged offence.

The learned Counsel for the applicant further submits that the applicant is in jail from last about 8 months and as the investigation is over and chargesheet is filed, his further custody is not necessary. Accordingly, he prays for grant of bail.

3. On the other hand, learned APP strongly opposed the application and submits that the offence is heinous and looking to the age of the victim who was 6 years old on the date of incident, it is prayed that bail may not be granted to the applicant.

It is submitted that if the applicant is released on bail there is every possibility that the applicant will not be available for the trial. In the circumstances, prayer is made to reject the present application.

4. I have perused the chargesheet, First Information Report and the reply filed by the learned APP.

5. The offence is very serious. The victim was six years old on the date of incident. The Investigating Officer has collected sufficient incriminating material against the applicant. There are statements of witnesses and injury report which corroborates the case of prosecution. Thus, considering the seriousness of the offence and severity of punishment and further the possibility that in case the applicant is released on bail he may not be available for trial, I am not inclined to grant bail. Accordingly, I pass the following order:-

ORDER

i) Application is rejected.

(Anil S. Kilor, J.)