

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

CRIMINAL APPEAL NO. 334 OF 2022

APPELLANT: Santosh s/o Murlidhar Padulkar,
Age 40 years, Occu: Labour,
R/o near Nehru School, Ghutkala Ward,
Tah. & Dist. Chandrapur.

..V E R S U S..

RESPONDENTS 1] State of Maharashtra,
through Police Station Officer,
Police Station Chandrapur City,
District Chandrapur..

2] Complainant XYZ
Through her Mother/Legal Guardian,
Police Station, Chandrapur City,
District Chandrapur
Crime No. 755 of 2021.

Shri R.S.Bhalerao, Advocate h/f Shri A.C. Jaltare, Advocate for the
appellant.

Shri S.D.Sirpurkar, A.P.P. for the respondent No.1/State.

CORAM : ANIL S. KILOR, J.
DATE : 06th December, 2022

ORAL JUDGMENT :

1. Heard Shri R.S. Bhalerao, Advocate holding for Shri
A.C. Jaltare, learned Advocate for the appellant and Shri
S.D.Sirpurkar, learned APP for the respondent No.1/State.

2. **ADMIT.**

3. The prosecution story is that the appellant, who is the stepfather of the victim, tried to outrage her modesty and assaulted her.

4. In this case, the investigation is completed and the charge-sheet has been filed. The appellant is in jail from last about one year. Thus, considering the *prima-facie* material against the appellant and the nature of the allegations coupled with the fact that, there is no possibility that in near future, the trial will be commenced, I am of the opinion that, the appellant could be released on bail by putting some stringent conditions. Accordingly, I pass the following order:

- a) The criminal appeal is **allowed**.
- b) The order dated 17/01/2022, passed by the Special Judge, Chandrapur in Special POCSO Case No. 138/2021, is hereby quashed and set aside.
- c) The appellant/applicant shall be released on bail on his furnishing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- d) The appellant shall not entered the territorial

jurisdiction of Chandrapur City, till the culmination of the trial, except for the trial.

- e) The appellant shall provide his address along with the name of nearby Police Station and shall attend the said Police Station on 1st day of every month between 10.00 a.m. to 11.00 a.m., till the culmination of the trial.

[ANIL S. KILOR, J.]

rkn