

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

CRIMINAL APPLICATION (BA) NO. 296/2022

Dilip Rangrao Nitnaware...Versus...State of Maharashtra and others

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

Court's or Judge's orders

Mr. R.M.Daga, Advocate with Mr. M.P.Kariya, Advocate for applicant
Mr. A.R.Chutke, APP for non-applicant No.1 /State
Ms. Aparna Telenge, Advocate for Non-applicant Nos. 2 & 3
Mr. Y.B.Mandpe, Advocate for Non-applicant No.4
Mr. S.M.Vaishnav, Advocate for complainant, assisting the prosecution.

CORAM : AVINASH G. GHAROTE, J.

DATE : 29/04/2022

1] Heard Mr. Daga, learned counsel for the applicant, Mr. Chutke, learned APP for non-applicant No.1/State assisted by Ms. Aparna Telenge, learned counsel for non-applicant Nos. 2 & 3 and Mr. Mandpe, learned counsel for non-applicant No.4 and Mr. Vaishnav, learned counsel for complainant.

2] The applicant is arraigned for the offence under Section 354-D of the IPC and under Sections 8 & 12 of the POCSO Act in Crime No.27/2022.

3] Mr. Daga, learned counsel for the applicant submits that the applicant has been falsely implicated. The charge-sheet indicates that there is no material on record to support the allegations, as the statement of the material

witness itself has not been recorded. Since the applicant has been arrested on 9.3.2022 and the charge-sheet has been filed on 8.4.2022, there is no reason for continuing the further incarceration of the applicant and any apprehension can be addressed by imposing stringent conditions and the applicant be released on bail.

4] The incident is dated 23.12.2021 when on account of 'X' mass celebration, the girls were changing their clothes in a vacant room in the school. It is alleged that one of them had told the others that the applicant had seen them doing so. When one of the girls had gone out of the room to check, she saw the applicant going down stairs. Unfortunately, the statement of the girl who actually claims to have seen the applicant seeing the girls changing the clothes, has not been recorded, in view of which there is no material available on record in this regard, prima facie. The statements of the other girls would merely be hear-say, as they stated that this has been so on the basis of the statement of the girl whose statement has not been recorded.

5] The next allegation is that on 5.1.2022, when one of the girl along with her friend is claimed to have gone to the applicant to check her Geography copy, the applicant had made a statement that he would check her from top to bottom. In this case also, the statement of the friend with

whom this girl is said to have gone to the applicant has not been recorded. There are further allegations that the applicant behaves in an obnoxious manner, however, all these allegations are unsubstantiated as of now.

6] A reply has been filed on behalf of Non-applicant Nos. 2, 3 and 4 stating that nothing of the sort as alleged has happened, considering which a case for bail is made out, however, in view of the apprehension expressed by the learned APP, the stringent conditions will have to be put. Hence the following order.

O R D E R

I] The application is allowed.

II] The applicant Dilip Rangrao Nitnaware, be released on bail in Crime No. 27/2022 registered by the Police Station Paratwada, Dist. Amravati Gramin, for the offence under Section 354-D of the IPC and under Sections 8 & 12 of the POCSO Act, on his executing PR bond in the sum of Rs.1,00,000/- with two solvent sureties of the like amount.

III] The applicant shall not tamper with the prosecution evidence or try to undue influence the prosecution witnesses directly or indirectly in any manner.

IV] The applicant shall attend the trial before the learned Sessions Court on each and every date and shall

ensure that the trial is not protracted on his count.

V] The applicant shall not enter the city of Paratwada during the course of the trial, except on the dates when the matter is listed before the learned trial court and shall keep the I.O and the concerned Court informed of his place of residence and mobile number at all times.

VI] Any violation of the above conditions shall result in cancellation of bail.

JUDGE

Rvjalit