

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

CRIMINAL APPLICATION (BA) NO.507 OF 2022

Rambhau S/o Mahadeo Dadmal

Versus

State of Maharashtra, through P.S.O., P.S. Shegaon, Tah. Warora, Dist. Chandrapur
and another

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

Court's or Judge's Order

Shri I.G. Meshram, Advocate for the applicant.

Shri T.A. Mirza, A.P.P. for the non-applicant No.1/State.

Ms S.K. Paunikar, Advocate for the non-applicant No.2/victim (Appointed).

CORAM : ANIL S. KILOR, J.

DATED : 17/08/2022

1. The applicant is seeking bail in Crime No.219 of 2021, dated 29.07.2021, registered with Police Station Shegaon, District: Chandrapur, for the offences punishable under Sections 376(2)(1) of the Indian Penal Code and Sections 3, 4, 5(k) and 6 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "POCSO Act").

2. Shri Meshram, learned counsel for the applicant submits that merely on the basis of suspicion, he has been roped in the alleged offence. He further submits that the DNA reports neither supports the case of the prosecution nor favours the applicant. He therefore, submits that considering the fact that the applicant has been

arraigned as accused on the basis of suspicion, he may be released on bail.

3. He further submits that the applicant is 61 years old and he is in jail from last one year and as the investigation is completed, no further custody of the applicant is necessary.

4. On the other hand, Shri Mirza, learned APP strongly opposes the present application and submits that the offence is under POCSO Act and thus, considering the seriousness of the offence, this Court may not grant bail to the applicant.

5. Ms. Paunikar, learned counsel for the non-applicant No.2/victim reiterates the submission of the learned APP and prays for rejection of the present application.

6. I have perused the Charge-sheet and the First Information Report (FIR).

7. In this case, the DNA reports neither supports the case of the prosecution nor favours the applicant. The applicant is 61 years old and there is nothing incriminating against the applicant except the fact that, the victim who is intellectually disabled minor girl and cannot speak,

indicated the place of occurrence which is the house of the applicant and on that basis the applicant has been arraigned as accused. Thus, on suspicion the applicant has been arraigned as accused.

8. The applicant is in jail for more than one year and the charge-sheet has already been filed. Thus, in the above referred backdrop, I am of the opinion that if the applicant is directed not to enter into the territorial jurisdiction of village Susa, Tq. Warora, Dist. Chandrapur, the apprehension of the learned APP that if the applicant is released on bail, he may pressurize the prosecution witness, can be addressed. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No.219 of 2021, registered with Police Station Shegaon, District: Chandrapur, for the offences punishable under Sections 376(2) (1) of the Indian Penal Code and Sections 3, 4, 5(k) and 6 of the POCSO Act, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall not enter into the territorial jurisdiction village Susa, Tq. Warora Dist.

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

- d) The applicant shall attend the concerned Police Station on 1st and 16th of each month between 10.00 a.m. to 12.00 noon, till the culmination of the trial.
- e) The applicant shall not tamper with the prosecution witnesses.
- f) Fees of the learned counsel for the non-applicant No.2/Victim, be quantified as per the Rules.

The criminal application is **disposed of** accordingly.

[ANIL S. KILOR, J.]