

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

CRIMINAL APPLICATION (ABA) NO.335 OF 2022

Roshan S/o Balkrushna Khandare

Versus

State of Maharashtra, through P.S.O., P.S. Dahihanda, Dist. Akola 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 Kushal Jain, Advocate for the applicant.

Shri N.R. Rode, A.P.P. for the non-applicant No.1/State.

Ms Seema P. Dhotre, Advocate for the non-applicant No.2/victim.

CORAM : ANIL S. KILOR, J.

DATED : 27/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.286 of 2021, dated 05.05.2021, registered with Police Station Dahihanda, District: Akola, for the offences punishable under Sections 354, 354-A (1)(i) and 354-D of the Indian Penal Code and Sections 7 and 8 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "POCSO Act").

2. Shri Jain, learned counsel for the applicant submits that the alleged incident took place out of love affair and the applicant has been falsely implicated in the alleged offence.

3. It is submitted that on completion of investigation, charge-sheet has been filed and as such, further custody of the applicant is not necessary.

4. He further submits that the applicant is 22 years young boy who is a student and as his custody is not necessary, he may be released on bail.

5. On the other hand, Shri N.R. Rode, learned APP strongly opposes the present application and submits that if the applicant is released on bail, he may pressurize the prosecution witnesses, as he is resident of the same village.

6. Ms Seema Dhotre, learned counsel for the non-applicant No.2/victim strongly opposes the application and reiterates the submissions of the learned APP which also prays for rejection of the present application.

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

8. The allegations made in the FIR are that the applicant on the date of incident caught hold the victim which was noticed by the cousin of the victim, thereon, the applicant run away from the spot.

9. In this case, the investigation is completed and charge-sheet has been filed. The applicant is a student and considering the allegations made in the FIR, and the fact that the investigation is completed and further the custody of the applicant is no more required, I am of the opinion that the applicant is entitled for grant of bail.

10. As far as the apprehension expressed by the learned APP that he may pressurize the prosecution witnesses if he is released on bail, the said apprehension can be addressed by imposing some stringent condition. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in the event of arrest of the applicant in Crime No.286 of 2021, dated 05.05.2021, registered with Police Station Dahihanda, District: Akola, for the offences punishable under Sections 354, 354-A (1)(i) and 354-D of the Indian Penal Code and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, the applicant shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one solvent surety in the like amount.

- c) The applicant shall not enter into the territorial jurisdiction of village Bambarda, Tq. Akot, Dist. Akola, till the culmination of the trial.
- d) The applicant shall provide his address along with name of the nearby Police Station and shall attend the said Police Station on 1st of each month between 9.00 a.m. to 10.00 a.m., 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.]