

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

CRIMINAL APPLICATION (BA) NO.570 OF 2022

Kewalsingh S/o Babasingh Juni

Versus

State of Maharashtra, through P.S.O., P.S. Armori, Dist. Gadchiroli 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 V.S. Lokhande, Advocate for the applicant.

Ms M.A.Barabde, A.P.P. for the non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 20/07/2022

1. The applicant is seeking bail in Crime No.169 of 2021, dated 02.06.2021, registered with Police Station Armori, District: Gadchiroli, for the offences punishable under Sections 354, 354-A(1)(i)(ii)(iv), 354-D, 376(3), 376 (2)(n) and 506 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "POCSO Act").

2. Shri Lokhande, learned counsel for the applicant submits that a false report came to be lodged against the applicant and thereby, he has been falsely implicated in the alleged offence.

3. It is submitted that the applicant is in jail for more than one year and as the investigation is completed,

further custody of the applicant is not necessary. He accordingly prays for grant of bail.

4. On the other hand, Ms Barabde, learned APP strongly opposes the present application and she submits that the victim was the minor on the date of alleged incident and medical report supports the case of the prosecution.

5. It is further submitted that there is every likelihood that the applicant may pressurize the prosecution witnesses or tamper with the prosecution evidence if he is released on bail, because the applicant, the complainant and the victim are resident of same village. Accordingly, she prays for rejection of the present application.

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

7. In this case, after the completion of investigation, charge-sheet has been filed. The applicant is in jail for more than one year. The applicant is 22 years young boy and considering the allegations made in the FIR, as the charge-sheet has been filed, I am of the opinion that further custody of the applicant is not necessary.

8. In this case, there is no possibility that in near future the trial will commence. In that view of the matter, I

am of the opinion that the applicant should be released on bail.

9. As far as, the apprehension expressed by the learned APP, that the applicant may pressurize the prosecution witnesses or tamper with the prosecution evidence, the said apprehension can be addressed by putting some stringent condition. 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.169 of 2021, registered with Police Station Armori, District: Gadchiroli, for the offences punishable under Sections 354, 354-A(1)(i)(ii)(iv), 354-D, 376(3), 376 (2)(n) and 506 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "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 the village Arsoda, Tq. Armori, Dist. Gadchiroli, 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, during 10.00 a.m. to 11.00 a.m. till the culmination of the trial.
- e) The applicant shall not tamper with the prosecution witnesses.
- f) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.

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

[ANIL S. KILOR, J.]