

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

CRIMINAL APPLICATION (BA) NO.573 OF 2022

Gaurav Yadavrao Sahare

Versus

State of Maharashtra, through P.S.O., P.S. Tiosa, Tq. Tiosa, Dist. Amravati and
another

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

Court's or Judge's Order

Ms Astha Sharma, Advocate for the applicant.

Shri T.A. Mirza, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 20/07/2022

1. The applicant is seeking bail in Crime No.90 of 2022, dated 12.02.2022, registered with Police Station Tiosa, District: Amravati (Rural), for the offence punishable under Section 377 of the Indian Penal Code and Section 567(b) of the Information Technology Act and Sections 6 and 14 of the Protection of Children from Sexual Offences, Act.

2. Ms Astha Sharma, learned counsel for the applicant submits that it appears from the allegations made in the FIR, that the act was not intentional particularly, considering the age of the victim and also the age of the accused persons. It appears that without knowing the consequence of such act, they have done the alleged act.

3. It is submitted that considering the age of the applicant who is 20 years young boy, coupled with fact that he is in jail from last five months, this Court may grant bail.

4. On the other hand, Shri Mirza, learned APP strongly opposes the present application and submits that the offence is serious and there is also a possibility that if the applicant is released on bail, he may pressurize the prosecution witnesses as the applicant, the victim and the complainant are resident of the same town. Accordingly, he prays for rejection of the present application.

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

6. After going through the contents of the FIR, and considering the age of the victim and the accused persons, *prima facie* it appears that the alleged act was not intentional, but without knowing its seriousness and consequences it was committed.

7. Thus, in the above referred backdrop, considering the age of the applicant and fact that he is in jail from last five months and in this case, the investigation is over, I am of the opinion that on some stringent condition, the applicant should be released on bail.

8. In addition to this, there are no criminal antecedents to the discredit of the applicant and also there is no possibility that the trial will commence, in near future. 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.90 of 2022, dated 12.02.2022, registered with Police Station Tiosa, District: Amravati (Rural), for the offence punishable under Section 377 of the Indian Penal Code and Section 567(b) of the Information Technology Act and Sections 6 and 14 of the Protection of Children from Sexual Offences, Act, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall provide his address along with name of the nearby Police Station and shall attend the concerned Police Station on 1st of each month between 10.00 a.m. to 11.00 a.m.
- d) The applicant shall not tamper with the prosecution witnesses.

- e) The applicant shall not enter into the territorial jurisdiction of Tiosa, Dist. Amravati, till the culmination of the trial, except for trial.

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

[ANIL S. KILOR, J.]