

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

CRIMINAL APPLICATION (BA) NO. 587 OF 2022

Akash s/o Bandu Dongre **Versus** State of Maharashtra, thr. PSO., P.S. City Kotwali 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 K.H. Anandani, counsel for the applicant.

Shri S.D.Sirpurkar, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.
DATED : 11/07/2022.

1. The applicant is seeking bail in connection with Crime No. 87/2022, registered with Police Station Kotwali, District Akola, for the offence punishable under Sections 377 of the Indian Penal Code and Sections 3, 4 and 5 of the POCSO Act.

2. Shri K.H. Anandani, learned counsel for the applicant submits that he has been falsely implicated in the alleged offence. The medical report of the victim does not support the case of the prosecution.

3. It is further submitted that the investigation is over and the charge-sheet has been filed. The custody of the applicant is no more required. Accordingly, he prays for grant of bail.

4. On the other hand, Shri S.D. Sirpurkar, learned APP strongly opposes the present application. He submits

that there is sufficient material available on record, by way of statements of the witnesses and as the offence is serious, this Court may not grant bail to the applicant.

5. I have perused the Charge-sheet, First Information Report and the Reply filed by the State.

6. I have perused the medical report, which *prima-facie* does not support the case of the prosecution as no injuries were found on the person of the victim. Even medical report of the applicant *prima-facie* does not support the case of the prosecution.

7. Moreover, the applicant is in jail since January-2022, and as the investigation is over and the charge-sheet has been filed, further custody of the applicant is not necessary in this case. Though the allegations are serious, however, as *prima-facie* sufficient incriminating material against the applicant is not available, I am of the opinion that, keeping him in jail for uncertain period, would amount to pre-trial punishment.

8. In the circumstances, I am of the opinion that with some stringent conditions, the applicant shall be released on bail. 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.87 of 2022, registered with Police Station City Kotwali, Akola, for the offence punishable under Sections 377 of the Indian Penal Code, and Sections 3,4 and 5 of the POCSO, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

c) The applicant shall not enter the territorial jurisdiction of Akola City, till the culmination of the trial, except for the trial.

d) The applicant shall attend the concerned Police Station on every 1st and 16th day of each months between 10.00 a.m. to 12.00 noon, till culmination of the trial.

e) The State is granted liberty to move an application for cancellation of bail, in case, the applicant repeats similar offences or breaches any condition of the bail.

[ANIL S. KILOR, J.]