

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

CRIMINAL APPLICATION (BA) NO.646 OF 2022

Shrikant Rakhmaji Hagwane

Versus

State of Maharashtra, through P.S.O., P.S. Washim (City), Tq. Washim, Dist. Washim

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

Court's or Judge's Order

Shri S.A. Chaudhari, Advocate for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 23/06/2022

1. The applicant is seeking bail in Crime No.388 of 2022, dated 18.05.2022, registered with Police Station Washim, District: Washim, for the offences punishable under Sections 354 and 354-A of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "POCSO Act").

2. Shri Chaudhari, learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence, out of rivalry of the uncle of the victim.

3. He submits that the applicant is nowhere connected with the alleged offence and even there are no criminal antecedents against the applicant.

4. It is submitted that the applicant is in jail since last one month and no further custody of the applicant is necessary. Accordingly, he prays for grant of bail.

5. On the other hand, Shri Mirza, learned APP opposes the present application.

6. I have perused the Case Diary and also the contents of the First Information Report (FIR).

7. From the allegations made in the FIR, it can be seen that the incident took place at the gate of uncle of the victim. However, on perusal of the case diary, *prima facie* there is no independent witnesses to the said incident.

8. Furthermore, the applicant is in jail for last one month and looking to the allegations made in the FIR, further custody of the applicant is not necessary. As there is nothing to show that the applicant may pressurize the prosecution witnesses if he is released on bail, 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.388 of 2022, registered with Police Station Washim, District: Washim, for the offences punishable under Sections 354 and 354-A of the Indian Penal Code and Sections 8 and 12 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 attend the concerned Police Station on every Friday between 10.00 a.m. to 11.00 noon till filing of the charge-sheet.
- d) The applicant shall not tamper with the prosecution witnesses.
- e) 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.]