

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

Criminal Application (BA) No.761/2022

Ajay Ingole V State of Maharashtra thr PSO PS Asegaon, Washim and another

Office notes, Office Memoranda of

Coram, appearances, Court's orders

or directions and Registrar's orders.

Court's or Judge's Orders

Shri P.S. Wathore, Advocate for applicant.

Shri S.D. Sirpurkar, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 25-07-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.0156/2022 registered with Police Station Asegaon, District Washim for the offences punishable under Sections 376(2)(j), 354 of the Indian Penal Code and Section 4 and 8 of the Protection of Children from Sexual Offence Act.

2. Learned Counsel for the applicant has argued that the applicant is in jail from last two months and considering the allegations made in the FIR, the medical report does not corroborate the same. He submits that the applicant has been falsely implicated in the alleged offence. It is further submitted that in this case after completion of the investigation chargesheet has been filed as such further custody of the applicant is not

necessary.

3. On the other hand, learned APP strongly opposes the application.

4. I have perused the chargesheet and the First Information Report (FIR).

5. Perusal of the medical report prima facie does not corroborate the story of the prosecution. Moreover, the applicant is in jail from last two months and in this case the investigation is over. Thus, I am of the opinion that, further custody of the applicant is not necessary.

6. As far as the apprehension of the learned APP that if the applicant is released on bail he may pressurize the prosecution witnesses, the same can be addressed by putting certain stringent conditions. Accordingly, I pass the following order:-

ORDER

- i) Application is allowed.
- ii) the applicant in Crime No.0156/2022 registered with Police Station Asegaon, District Washim for the offences punishable under Sections 376(2)(j), 354 of the Indian Penal Code and Section 4 and 8 of the Protection of

Children from Sexual Offence Act, be released on bail on furnishing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

iii) The applicant shall not enter into the territorial jurisdiction of village Asegaon, District Washim till the culmination of trial except for the purpose of trial.

iv) The applicant shall provide his address along with the name of the Police Station which he shall attend on 1st and 16th day of each month between 10.00 am to 12.00 noon, till the culmination of trial.

v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence.

vi) Liberty is granted to the State that in case the applicant repeats the similar offence, the State may file application for cancellation of the bail.

(Anil S. Kilor, J.)