

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

CRIMINAL APPLICATION (BA) NO.916 OF 2022

(SACHIN @ SHANKAR DAYARAM INDORE...VS.. STATE OF MAH. THR. PSO PS BADNERA, DIST.
AMRAVATI & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Mahesh Rai, Advocate for Applicant.
Shri A.R.Chutke, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : SEPTEMBER 06, 2022.

1. Heard learned counsel for the applicant and the learned A.P.P. None for the non-applicant No.2-victim, though served.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.551 of 2022, registered with Police Station, Badnera, District: Amravati City for the offences punishable under Sections 354, 354-A, 452, 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present crime out of rivalry. It is submitted that the applicant is noway connected with the alleged offence.

4. It is further pointed out that the applicant is in jail for about two months and the investigation is almost completed. He, therefore, submits that further custody of the applicant is not necessary. Accordingly, he prays for grant of bail to the applicant.

5. On the other hand, the learned A.P.P. strongly opposes the application and submits that as the offence is serious this Court may not grant bail to the applicant.

6. I have perused the case diary and the application.

7. From the allegations made in the F.I.R., *prima-facie*, it appears that the victim was knowing the applicant. However, there is nothing to point out how the victim is acquainted with the applicant. Furthermore, considering the allegations made in the F.I.R. against the applicant and the period of incarceration undergone by the applicant, I am of the opinion that as the investigation is almost completed, the applicant should be released on bail by imposing certain stringent conditions. Accordingly, I pass the following order:

- i) Criminal application is allowed;

- ii) It is directed that the applicant shall be released on bail in Crime No.551 of 2022, registered with Police Station, Badnera, District: Amravati City for the offences punishable under Sections 354, 354-A, 452, 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall not enter into the territorial jurisdiction of Amravati City including the jurisdiction of Badnera Police Station, till filing of the charge-sheet.
- iv) The applicant shall provide his address and name of the nearest Police Station, which he shall attend on every Monday between 10:00 a.m. and 12:00 noon, till filing of charge-sheet.
- v) Thereafter the applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

- vi) 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;

The Criminal Application is **disposed of** accordingly.

JUDGE

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