

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

CRIMINAL APPLICATION (BA) NO. 1019 OF 2022

Bobby Rajesh Yakarwar **Vs.** State of Maharashtra, through PSO., PS Old Kamptee, Tq. Kamptee, Dist. Nagpur 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 M.N.Ali, Advocate for the applicant.

Shri A.R.Chutke, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 15/09/2022

Heard.

2. The applicant is seeking bail in connection with Crime No. 249 of 2022, registered with Police Station Old Kamptee, Tq. Kamptee, District Nagpur, for the offences punishable under Sections 354D, 354B, 341 of the Indian Penal Code, 1860 and Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act)

3. Shri M.N. Ali, learned counsel for the applicant submits that, the applicant is in jail from last 45 days and as the investigation is almost completed, further custody of the applicant is not necessary.

4. The learned counsel for the applicant submits that, considering the allegations made in the FIR, further custody is not necessary. Accordingly, he prays for grant of bail.

5. On the other hand, learned APP strongly opposed the present application and submits that as the offence is serious and considering the nature of offence, there is every possibility that if the applicant is released on bail, he may pressurize the prosecution witnesses. Accordingly, he prays for grant of bail.

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

7. Considering the allegations made in the FIR and the period of incarceration of the applicant coupled with the status of investigation which is almost completed, I am of the opinion that, the applicant should be released on bail on certain stringent conditions. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant in connection with Crime No. 249 of 2022, registered with Police Station Old Kamptee, Tq. Kamptee, District Nagpur, for the offences punishable under Sections 354D, 354B, 341 of the Indian Penal Code, 1860 and Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), the applicant shall be released on bail on furnishing P.R. Bond of Rs.20,000/- with one solvent surety in the like amount.

- c) The applicant shall not enter into the territorial jurisdiction Kamptee, Tah. Kamptee, Dist. Nagpur, till the culmination of the trial, except for trial.
- d) 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 12.00 noon, till the culmination of the trial.
- e) Liberty is granted to State and the victim to apply for cancellation of bail, in case of breach of any condition or the applicant commits any serious offence.
- f) The applicant shall not tamper with the prosecution witnesses.

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

[ANIL S. KILOR, J.]