

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

CRIMINAL APPLICATION (BA) NO. 1034 OF 2022

Sandeep s/o Premdas Sheware **Versus** State of Maharashtra, through P.S.O., P.S. Hudkeshwar 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 S.N. Nandeshwar, Advocate for the applicant.

Shri S.M.Ghodeswar, A.P.P. for the non-applicant No.1/State.

Ms Sonali Saware, Advocate for the non-applicant No.2/Victim.

CORAM : ANIL S. KILOR, J.

DATED : 29/09/2022

Heard.

2. The applicant is seeking bail in connection with Crime No. 572/2021, registered with Police Station Hudkeshwar, District Nagpur for the offences punishable under Sections 363, 376(2)(n)(f), 323, 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (for short POCSO Act).

3. In this crime, initially the offense was registered under Section 363 of the Indian Penal Code, 1860. However, subsequently, on recording the statement of the victim on 30/09/2021, the offenses under Sections 376(2)(n)(f), 323, 506 and read with Section 34 of the Indian Penal Code, 1860 and Sections 4 and 6 of the POCSO Act, came to be added.

4. In the statement dated 30/09/2021, the victim did not make any allegation against the present applicant.

Whereas, as per her version, it can be seen that the applicant, his wife, and son they helped the victim and allowed her to stay in their house, and also helped her to find out a job. In the said statement, she referred to the applicant as *Sandeep Dada* with respect as an elder brother.

5. However, on 29/10/2021, after one month, the victim suddenly change her version and alleged that, after leaving the house of *Sandeep Sheware* i.e. applicant when she started residing in a separate room, the applicant used to come there and commit sexual intercourse with the victim. This statement is the basis to arraign the applicant as an accused in the present crime.

6. This improvisation of statement by the victim creates doubt about the veracity of allegations made against the applicant. In the said backdrop, considering the fact that the applicant is in jail from last one year and investigation in this case is already completed, I am of the opinion that, the applicant is entitled for grant of bail.

7. In this case, though learned APP and learned Advocate for the non-applicant No.2/Victim are strongly opposing the present application on the ground that the offence is serious, in the above referred backdrop and further in view of the fact that, the applicant is resident of Hingna whereas the victim is resident of Hudkeshwar Nagpur, as such there is no possibility that the applicant may pressurize the prosecution witnesses, I pass the following order:

- a) The criminal application is **allowed**.

- b) It is directed that in connection with Crime No. 572/2021, registered with Police Station Hudkeshwar, District Nagpur for the offences punishable under Sections 363, 376(2)(n)(f), 323, 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 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 attend the concerned Police Station on 1st and 16th day of each month between 10.00 a.m. to 12.00 noon, till the culmination of the trial.

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

[ANIL S. KILOR, J.]