

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

CRIMINAL APPLICATION (BA) NO.8 OF 2022

Abhijit @ Avijit Balu Khandare

Versus

State of Maharashtra, through P.S.O., P.S. Khamgaon City, Dist. Buldhana 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 P.S. Wathore, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant No.1/State.

Shri Ananta Ramteke, Advocate for the non-applicant No.2/victim.

CORAM : ANIL S. KILOR, J.

DATED : 16/06/2022

1. Ms Rane, learned advocate who is appointed through the High Court Legal Services Sub-Committee, Nagpur, informs that as the victim has engaged a private lawyer, she may be discharged.

2. In the above referred backdrop, Ms Rane, learned advocate is discharged.

3. The applicant is seeking bail in Crime No.653 of 2021, dated 24.07.2021, registered with Police Station Khamgaon (City), District: Buldhana, for the offences punishable under Sections 354, 354-A and 506 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”).

4. Shri Wathore, learned counsel for the applicant submits that the on completion of investigation, the charge-sheet has been filed and as such, no further custody of the applicant is necessary. He further submits that the applicant is in jail since 24.07.2021.

5. Shri Wathore, learned counsel for the applicant further submits that the applicant would abide any conditions if imposed, while granting bail.

6. On the other hand, Shri Thakare, learned APP strongly opposes the present application and submits that there is a possibility that the applicant may pressurize the prosecution witnesses or tamper with the prosecution evidence. Therefore, he prays for rejection of the application.

7. Shri Ananta Ramteke, learned counsel for the non-applicant No.2/victim reiterates the submission of the learned APP and prays for rejection of the present application.

8. In this case, after completion of investigation, the charge-sheet has been filed, as such, custody of the

applicant is not necessary. The applicant is a student and he is in jail for about one year.

9. As far as, the apprehension expressed by the learned APP that he may pressurize the prosecution witnesses, certain conditions can be imposed on the applicant to take care of it. Accordingly, as the investigation is over and custody of the applicant is not necessary, I am of the opinion that the applicant is entitled for grant of bail. Hence, 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.653 of 2021, dated 24.07.2021, registered with Police Station Khamgaon (City), District: Buldhana, for the offences punishable under Sections 354, 354-A and 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences 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 as and when his presence is required.

- d) The applicant shall not tamper with the prosecution witnesses.
- e) The applicant shall not enter into the vicinity of Khamgaon City, till the conclusion of the trial, except for trial.

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

[ANIL S. KILOR, J.]