

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

Criminal Application (BA) No. 1287 of 2022

Purushottam @ Sopan Baliram Haramkar

Versus

State of Maharashtra, through Police Station Officer, Police Station
Khamgaon Gramin, Tq. Khamgaon Gramin, 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 M.N.Ali, Advocate for the applicant.

Shri N.R.Rode, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 7th DECEMBER, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 254 of 2022 registered with Police Station Khamgaon Gramin, Dist. Buldhana for the offence punishable under Sections 354(D), 500, 506 of Indian Penal Code read with Section 11 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. The prosecution story in short is that the victim aged 17 years and 9 months has lodged report on 19.07.2022 alleging that, the victim had come into contact with the accused/applicant in October 2021 through Social Media and it is alleged that the applicant was harassing the victim and threatening her to marry

with him. It is contended by the victim that, she was married with one Vishal Sanase on 16.05.2022. However, it is alleged that, thereafter also, the applicant was trying to contact the victim and was trying to talk with her and threatening her to keep talking with her failing which he would disclose their relations with her husband. It is alleged that, the applicant has informed the husband of the victim that, they were in relation with each other. Therefore, on 01.07.2022, the victim was left at her parents house by the applicant. It is further alleged that even at her maternal house, the applicant was harassing her mentally and was not ready to leave her at any cost. It is alleged that on 18.07.2022 around 9.00 pm, the applicant had called her and harassed. Thus, on the basis of such allegation, the report was lodged and the investigation was set into motion.

3. In this case after completion of investigation, the chargesheet has been filed. Applicant is in jail since 20th July, 2022. The victim and the applicant are not the resident of the same village and therefore there is no possibility that the applicant may pressurize the prosecution witnesses. In the circumstances, further custody of the applicant is not necessary, I am of the opinion that on certain stringent

conditions, the bail should be granted to the applicant. 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. 254 of 2022 registered with Police Station Khamgaon Gramin, Dist. Buldhana for the offence punishable under Sections 354(D), 500, 506 of Indian Penal Code read with Section 11 and 12 of Protection of Children from Sexual Offences Act, 2012, on furnishing P.R.Bond of Rs.25,000/- with one solvent surety in the like amount;
- iii. The applicant shall not enter into territorial jurisdiction of Pimprigaoli, Tal Khamgaon, Dist. Buldhana;
- iv. The applicant shall attend the concerned Police Station on 1st and 16th of each month between 10 am to 12 noon till 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 to tamper with the evidence;
- vi. The applicant shall not contact directly or indirectly by any mode or medium, with the victim, till the culmination of trial.
- vii. State is at liberty to apply for cancellation of bail, in case the applicant commits similar offence or breach the condition.

[ANIL S. KILOR, J.]