

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.466 OF 2023

Aniket S/o Sandip Hudke Vs. State of Maharashtra and another

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

Court's or Judge's orders.

Shri S.V. Sirpurkar, Advocate for applicant.
Shri A.M. Kadukar, APP for non-applicant no.1/State.
Ms Soniya Gajbhiye, Advocate appointed for non-applicant no.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : JULY 03, 2023.

The present application is filed by the applicant for grant of bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.94/2023 registered with Police Station, Mouda, Tahsil Mouda, District Nagpur for the offences punishable under Sections 354, 354A and 506 of the Indian Penal Code, 1860 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act. The applicant is arrested on 25.02.2023.

2. The crime is registered on the basis of report lodged by the mother of the victim girl on an allegation that she is resident of Mouda, District Nagpur and the present applicant is the son of teacher namely Maya Hudke. It is alleged that the present applicant is visiting the school, calling the girls in the storeroom and touching to their private parts and also insisting them to undress themselves. On the basis of said report, the police have registered the

crime against the present applicant.

3. As per the contention of the present applicant, he is falsely implicated in the alleged offence only to harass his mother, who is teaching in the said school. Infact, he is not at all concerned to the alleged offence. Now the investigation is completed and charge-sheet is filed. His further custody is not required. The alleged offences registered against him are not punishable with imprisonment more than ten years or life imprisonment. Considering no purpose will be served by keeping him behind bars he be released on bail.

4. The said application is strongly opposed by the State on the ground that the present applicant has outraged the modesty of various victim girls, who are studying in the school. Their statements are recorded and the involvement of the present applicant reveals form their statement. If he is released on bail, he may commit similar type of offences and hence bail application deserves to be rejected. The informant is also represented by the appointed counsel. She also opposed the application on the ground that the alleged crime and the allegations leveled against the present applicant are serious in nature, hence, the application deserves to be rejected.

5. Heard learned counsel for the applicant Shri S.V. Sirpurkar. He reiterated the contentions.

6. Learned APP and learned appointed counsel vehemently opposed the application on the ground that the allegations are serious in nature. Hence, the application deserves to be rejected.

7. Having heard both sides and on perusal of the investigation papers, it reveals that the present applicant is the son of the teacher and used to visit the school. The statements of the various girls recorded during the course of investigation shows that the present applicant used to outrage the modesty by touching to their private parts. Now investigation is completed. Charge-sheet is filed. Considering the allegations against the present applicant, admittedly, serious allegations are leveled against the present applicant. All the victim girls are within the age group of 8 to 10 years. Considering now investigation is completed and charge-sheet is filed, admittedly, no purpose will be served by keeping the applicant behind bars. However, considering the serious type of allegations, some conditions required to be imposed on the present applicant. Hence, the application deserved to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order:

ORDER

- i. The criminal application is allowed.
- ii. The applicant - Aniket S/o Sandip Hudke, be released on bail in connection with Crime No.94/2023

registered with Police Station, Mouda, District Nagpur for the offences punishable under Sections 354, 354A and 506 of the Indian Penal Code, 1860 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, on he executing PR bond in the sum of ₹25,000/- with one surety in the like amount.

iii. The applicant shall not enter into the territorial jurisdiction of Mouda, Tahsil Mouda, District Nagpur, till culmination of the trial.

iv. The applicant shall not tamper prosecution evidence or shall not induce, threaten or pressurize any witness, who are connected with the crime.

v. The applicant shall attend the Police Station, Nandanwan, Nagpur once in a week i.e. on every Sunday between 10.00 a.m. to 1.00 p.m. till culmination of the trial.

vi. On contravention of any condition the State is at liberty to file appropriate application for cancellation of bail.

vii. Professional fees of the learned counsel appointed for non-applicant no.2 be quantified and paid, as per Rules.

With this, the application is disposed of.