



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

CRIMINAL APPLICATION (BA) NO.95 OF 2024

(Laxmiprasad s/o Amritsingh Uikey Vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.D. Puranik, Advocate for the applicant.
Mr. M.J. Khan, APP for the State.
Ms S.K. Phaltankar, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- MARCH 14, 2024.

By preferring this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure. The applicant came to be arrested on 04/10/2023 in connection with Crime No.769/2023 registered with Police Station Gittikhadan, Nagpur, District Nagpur for the offence punishable under Sections 354, 506(2) and 451 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The crime is registered on the basis of report lodged by the victim girl who is aged about 13 years 5 months who alleged that on 03/10/2023 when she was sleeping along with her aunt and husband of the aunt in new building at that time somebody has pulled her hand, and therefore, she woke up. At that time, present applicant attempted to disrobe her and subjected her for outraging the modesty. On the subsequent date he

followed her and was staring at her. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that the applicant is implicated falsely in the alleged offence. There was no acquaintance with the victim and the present applicant, merely on suspicion, his name is implicated. Now, the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned Additional Public Prosecutor and learned Counsel for non-applicant No.2 strongly opposed the application on the ground that a small girl of 13 years was subjected for sexual assault by the present applicant. If he is released on bail he would tamper with the prosecution evidence. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for the parties. Perused the investigation papers. Admittedly, *prima facie* case is made out against the present applicant but considering the nature of the offence and now investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Laxmiprasad s/o Amritsingh Uikey in connection with Crime No.769/2023 registered with Police Station Gittikhadan, Nagpur, District Nagpur for the offence punishable under Sections 354, 506(2) and 451 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the concerned police station once in a month i.e. first day of every month and the Police Station Officer of Gittikhadan police station shall record his presence.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(v) The applicant shall not enter into the vicinity of Gittikhadan, Nagpur till the culmination of the trial.

(vi) The applicant shall attend the court proceedings regularly without seeking any

exemption unless there are exceptional circumstances.

(vii) The applicant shall not leave the jurisdiction of the Nagpur District without seeking permission of the Sessions Court at Nagpur.

6. The application is disposed of.

7. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)

**Divya*