



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

CRIMINAL APPLICATION (BA) NO.133 OF 2024

(Sushil @ Daddu s/o Pravin Meshram Vs. The 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. K.P. Wathore, Advocate for the applicant.
Mr. A.B. Badar, APP for the State.

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 09/07/2023 in connection with Crime No.664/2023 registered with Police Station Ballarpur, District Chandrapur for the offence punishable under Sections 354A(1)(i), 354(B), 363, 341, 323 and 506 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 on an allegation that initially she got acquaintance with the present applicant and thereafter they were chitchatting with each other but some dispute arose between them. On 09/07/2023, when she had been along with her friend for a morning walk, present applicant restrained her and forcefully took her along with him and demanded sexual favours from her. On her denial

he outraged her modesty. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that initially there was a love affair between the victim and the present applicant. Only because this love affair came to the notice of the parents of the present informant, she has lodged false report. As far as further incarceration is concerned, now investigation is completed and the charge-sheet is filed. In view of that, the present applicant deserves to be released on bail.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that the applicant is not only subjected for outraging the modesty but she was kidnapped by the present applicant from the lawful custody of her parents, if he is released on bail he would tamper with the prosecution evidence. He further submitted that there were injuries on the person of the victim. Considering the investigation papers and the statement of the victim though *prima facie* case is made out against the present applicant but now, the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. Considering the nature of the offence, bail application of the present applicant deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant – Sushil @ Daddu s/o Pravin Meshram in connection with Crime No.664/2023 registered with Police Station Ballarpur, District Chandrapur for the offence punishable under Sections 354A(1)(i), 354(B), 363, 341, 323 and 506 of the Indian Penal Code read with Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, be released on anticipatory 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 not enter into the vicinity of village Ballarpur, Taluka Ballarpur, District Chandrapur till the evidence of the victim is recorded before the trial Court.

(iv) The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(v) 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.

(vi) The applicant shall furnish his address where he would reside after releasing him on bail, before the trial Court.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*