

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

CRIMINAL APPLICATION (BA) NO.923/2024

Anant Sambhaji Jaipurkar

Vs.

State of Maharashtra thr. P.S.O., P.S., Wardha (city), Tah. And Dist. Wardha

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

Court's or Judge's orders

Ms P.G. Waghmare, Advocate for applicant
 Shri Nitin Autkar, APP for Non-applicant No.1/State
 Ms Aastha R. Sharma, Advocate (appointed) for non-applicant No.2

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 10/12/2024

. The applicant came to be arrested in connection with Crime No.411/2024, registered with Police Station Wardha (City), Wardha, under Sections 452, 354, 354-A of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard learned Counsel for the applicant who submitted that the crime is registered on the basis of the report lodged by the victim girl aged about 13 years on an allegation that the applicant is her tuition teacher and she is studying in 8th standard. On 11/03/2024, she was alone in the house, at the relevant time, the present applicant entered in the house and subjected her for the sexual harassment by touching to her private parts. On the basis of the said report, Police have registered the crime against present applicant. He further submitted that due to the previous dispute, present applicant is implicated in

the alleged offence. Now investigation is already completed. Charge is already filed. Further incarceration of the present applicant is not required, in view of that he be released on bail.

3. Learned APP and learned Counsel for the victim strongly opposed the said application on the ground that the allegations against the present applicant is serious in nature. The applicant is 48 years old man subjected for the sexual harassment to the victim who is aged about 13 years. Due to the said incident the victim is traumatized, and if applicant accused is released on bail there is possibility of tampering of the witnesses. In view of that prays for the rejection of the application.

4. After hearing both the sides and on perusal of the investigation papers, it reveals that allegations against the present applicant is sexual harassment to the victim girl who is only 13 years of age and during investigation the statement of the land lady was also recorded, from which, it reveals that she has marked the presence of the present applicant at the house of the victim on the day of incident. Thus, considering the various statements recorded and the statement of the victim, involvement of the present applicant revealed in the alleged incident, but considering now investigation is already completed. Charge sheet is already filed and the punishment provided to the alleged offences is not more than seven years. The application deserves to be allowed by imposing certain

conditions. Accordingly, I proceed to pass the following order.

ORDER

- i) Application is allowed.
- ii) The applicant Anant Sambhaji Jaipurkar, shall be released on bail in connection with in connection with Crime No.411/2024, registered with Police Station Wardha (City), Wardha under Sections 452, 354, 354-A of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, on executing P.R. Bond of Rs.25,000/- with one surety in the like amount.
- iii) The applicant shall not enter into the vicinity of Fatteपुरिया Layout, District Wardha, till culmination of the trial.
- iv) The applicant shall not induce threat or promise any witness who are acquainted with the facts either physically or through electric media.
- v) The applicant shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstances. The application is disposed of.
- vi) The fees of the appointed Counsel be quantified a per the Rules.

JUDGE

Jayashree....