



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

CRIMINAL APPLICATION (BA) No.85 OF 2024

(Pratik s/o. Vinod Chincholkar Vs. State of Maharashtra, through PSO, PS
Khamgaon Rural, Distt. Buldhana and another)

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

Court's or Judge's orders.

Mr. G.G. Mishra, Advocate for applicant.
Ms. H.V. Prabhu, APP for respondent No.1.
Mrs. Sonali Saware, Advocate for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 22nd MARCH, 2024.

1. The applicant came to be arrested on 9.1.2023 as he contravened the conditions of bail.
2. The applicant is prosecuted of the offences punishable under Sections 354, 354-A, 452, 323, 504 and 506 of the Indian Penal Code read with Section 12 of the Protection of Children from Sexual Offences Act, 2012, in connection with Crime No.210/2020. Initially, he was released on bail by this Court on condition that he shall not enter into the village Palashi Budruk till conclusion of the trial. As per the allegation he has contravened the terms and conditions and entered into the said village and disobeyed the order of this Court and, therefore, the warrant was issued against the present applicant and he has arrested.
3. Learned counsel for the applicant submitted that though this court has directed the trial Court to

conclude the trial as expeditiously as possible, it is not concluded, only charge is framed. The applicant has already undergone more than half of the punishment. In view of that, he be released on bail.

4. Learned Additional Public Prosecutor for the respondent No.1 and learned counsel for the respondent No.2 strongly opposed the said application on the ground that after releasing the present applicant on bail similar type of the offences are registered against him prior to this incident. He has also contravened the terms and conditions imposed on him while releasing on bail. In view of that, the application deserves to be rejected.

5. Having heard learned counsel for the applicant and learned A.P.P. for the State and learned counsel for the respondent No.2, perused the investigation papers. The alleged offences vide Crime No.239/2018 and 263/2019 are the offences registered previously to the present crime. The trial Court has considered this offences while releasing him on bail. As far as the contravention of the terms and condition are concerned, no complaint is lodged by the informant that present applicant has either attempted to tamper the prosecution evidence or not. Now charge is already framed and trial would commence at any time. However, considering the fact that the applicant has already undergone half of the punishment as he is behind the bars. The application deserves to be allowed as applicant can not be put behind the bars for an indefinite period.

6. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order :

ORDER

- (i) The application is allowed.
- (ii) The applicant – Pratik s/o. Vinod Chincholkar shall be released on bail in connection with Crime No.210/2020, registered with Police Station Khamgaon Rural, Tq. Khamgaon, District Buldhana for the offence punishable under Sections under Sections 354, 354-A, 452, 323, 504 and 506 of the Indian Penal Code read with Section 12 of the Protection of Children from Sexual Offences Act, 2012, on executing 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 village Palashi Budruk till conclusion of the trial.
- (iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person, who are acquainted with the facts of this case.
- (v) On contravention of any of the condition imposed by this Court the bail granted to the present applicant deserves to be cancelled.

7. The application is disposed of.

(Urmila Joshi-Phalke, J.)