



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

CRIMINAL APPLICATION (BA) NO. 165 OF 2024

SANTOSH SUNDARLAL THAKUR

Vrs.

STATE OF MAHARASHTRA AND ANOTHER

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

Court's or Judge's Order

Shri N. S. Padia, Advocate for applicant.
Ms. Hemlata Dhande, A. P. P. for respondent No.1-State.
Ms. Deepali Patil Shahare, Advocate (Appointed) for respondent
No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 21/03/2024.

1. The applicant came to be arrested on 05/01/2024 in connection with Crime No.13/2024 registered under Sections 354-A (1)(i) and 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The applicant is arraigned as an accused. On the basis of report lodged by the victim aged about 17 years on an allegation that on 22/02/2021 when she was studying in the 10th Std. At that time, present applicant who is her father has subjected her for outraging the modesty. However, she has not disclosed the incident to anybody. On 03/01/2024 at about 9.00 a.m., the applicant has sent her mother and sister outside the house and again subjected her for sexual assault by outraging her

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

3. The learned counsel for the applicant submitted that due to family dispute, present applicant is implicated falsely in the alleged offence. Now, the investigation is completed and charge sheet is filed. Further incarceration of the applicant is not required. The offences alleged are punishable with imprisonment upto 3 years and 5 years and not more than that. Considering the investigation is completed and further incarceration of the applicant is not required, he be released on bail.

4. Learned APP for the State and learned counsel for the respondent No.2 strongly opposed the application on the ground that if the applicant is released on bail who is father would tamper the prosecution evidence. Moreover, there is apprehension that applicant would again subject her for outraging the modesty and the sexual assault. In view of that, the application deserves to be rejected.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. Considering that now, investigation is completed and charge sheet is filed. Further incarceration of the present applicant is not required. Moreover, the allegation against the present applicant who is the father of the victim is to the extent that he has outraged the modesty of the victim. As far as apprehension raised by the prosecution is concerned,

which can be taken care of by imposing certain conditions on the present applicant. In view of that, I proceed to pass the following order :-

ORDER

- i] The application is allowed.
 - ii] The **applicant - Santosh Sundarlal Thakur** be released on bail in connection with Crime No.13/2024 registered under Sections 354-A (1)(i) and 506 of the Indian Penal Code and 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 solvent surety of the like amount.
 - iii] The applicant shall not enter into the vicinity of Dhamti Nagar, Yashodhara Nagar, Nagpur, till culmination of trial.
 - iv] The applicant shall not induce, threat or promise to any witnesses, who are acquainted with the facts of the present case.
6. The application is disposed of.
7. The fees of the appointed counsel for respondent No.2 be quantified as per the Rules.

[URMILA JOSHI-PHALKE, J.]