



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

CRIMINAL APPLICATION (BA) NO. 528 OF 2024

Chinnu Gajanan Potavi

.Vs.

State of Maharashtra, through PSO Dhanora, Gadchiroli

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

Mr M. P. Ladhe, Adv. alongwith Mr Swagat Muppawar, Advocates for
applicant/accused
Mr A. B. Badar, APP for the State

CORAM : G.A. SANAP, J.

DATE : JUNE 04, 2024

1. Heard.

2. The applicant/accused has made this application for interim bail to attend the marriage of his daughter, which is scheduled to be held on 06.06.2024 at village Nimanwada, Taluka Dhanora District Gadchiroli. The accused has been arrested in crime bearing No. 49 of 2020 registered at Dhanora Police Station, District Gadchiroli for the offences punishable under Sections 376(2)(f), 376(2)(l) of the Indian Penal Code and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. It is evident on perusal of record that number

of applications made by the accused for bail so far have been rejected by the learned Sessions Court. It is further seen that the application made on this very ground has also been rejected. It needs to be stated that since the accused is not claiming bail on merits, it would not be necessary to make a detail reference of the facts. The only question that needs to be considered is whether interim/temporary bail for few days can be granted to the accused to attend the marriage of his daughter.

4. Learned Advocate for the accused submitted that being the father he would be required to attend the marriage to perform various rituals. It is submitted that he has only one daughter. He needs to be granted a permission to attend the marriage of his daughter. It is submitted that he is ready to abide by the conditions that may be imposed by this Court. Learned Advocate further submitted that case is pending since year 2020. The charges have not yet been framed. Learned Advocate submitted that on humanitarian ground his prayer deserves consideration.

5. Learned APP for the state submitted that considering the serious nature of the crime the accused

cannot be granted bail. Learned APP submitted that if he is released on bail, the possibility of his fleeing from justice cannot be ruled out. Learned APP further submitted that the possibility of the accused tampering with the prosecution evidence and pressurizing the victim and the family members of the victim can't be ruled out. Learned APP further submitted that the border of Chhattisgarh State is hardly 25-30 km from the place of marriage and therefore, the accused can abscond.

6. The wedding card has been placed on record. Mr Sumit Chewale, PSI attached to Dhanora Police Station is present in the Court. He states that the marriage of the daughter of the accused is scheduled to be held on 06.06.2024 at village Nimanwada. In view of this factual background, the only question that needs to be considered is whether the interim bail for few days can be granted to enable the accused to attend the marriage of his daughter. It is true that the crime committed by him is very serious. The victim is 13 years old girl. The accused is distant maternal uncle of the victim. It needs to be stated that keeping all these factual aspects in mind his prayer for regular bail has been rejected.

7. It needs to be stated that the marriage of a daughter is a crucial responsibility of the parents. The marriage of a daughter is a pious obligation of parents. The father, therefore, cannot be denied an opportunity to attend the marriage of his daughter, unless the circumstance warrant the denial of such an opportunity. However, it needs to be stated that such an indulgence cannot be claimed by the accused as of right. Each and every case has to be decided keeping in mind the facts of the case. In this case, the accused has been in jail for last four years. The charges are not yet framed. The marriage has been arranged by his wife and other relatives. In my view, in this case, subject to appropriate conditions interim bail can be granted to the accused to attend the marriage of his daughter on 06.06.2024 at village Nimanwada. The victim and the mother of the victim are residents of village Mendha. Nimanwada is at a distance of 15-17 km from village Mendha. In my view, therefore, direct contact of the victim and the informant with the accused is not possible. In view of this, following order is passed:

ORDER

- i) The applicant/accused-Chinnu Gajanan Potavi is granted temporary bail to attend the marriage of his

daughter at village Nimanwada scheduled to be held on 06.06.2024 at 12:00 p.m. for the period from 05.06.2024 to 08.06.2024. The accused be released on 05.06.2024 by evening. The accused shall surrender without fail on 08.06.2024 before 11:30 a.m.

ii) The applicant/accused be released on his furnishing PR bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with one or two solvent surety/securities in like amount.

iii) The accused shall furnish the sureties/securities before the trial Court.

iv) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the prosecution evidence.

v) The applicant/accused shall not in any manner try to contact the victim as well as the informant and intimidate them.

vi) The applicant/accused shall not misuse the liberty granted to him in any manner.

vii) The applicant/accused shall report to the Dhanora Police Station on 06.06.2024 and 07.06.2024 between 6:00 p.m. to 8:00 p.m.

viii) The applicant/accused shall not visit the village Mendha during this period.

ix) The applicant/accused shall not leave the jurisdiction of Gadchiroli District during this period.

8. Authenticated copy of this order be provided to the applicant/accused.

9. The criminal application stands disposed of, accordingly.

(G. A. SANAP, J.)

Namrata