



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

CRIMINAL APPLICATION (BA) NO. 1064 OF 2024

Sushant Vinod Meshram

.Vs.

State of Maharashtra, thr. PSO, PS Nagpur

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

Mr Parag Madhukar Ukey, Advocate for the applicant.

Ms Trupti Udeshi, APP for the State.

Ms Neerja Choubey, Advocate (Appointed) for non-applicant No.2.

CORAM : G.A. SANAP, J.

DATE : 09.01.2025

Heard.

2. This is an application, filed by the accused, for regular bail in crime bearing No.378/2024 registered at Kamptee Police Station for the offences punishable under Section 74 of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the Protection of Children From Sexual Offences Act, 2012 (for short, 'POCSO Act').

3. Learned Advocate for the applicant submitted that the mother of the applicant, who is 36 years of age, is a housewife. The accused is the only breadwinner. The accused has no criminal antecedents. The mother of the

applicant has shifted her residence from the locality. Charge-sheet has been filed. The applicant/accused has been languishing in jail from 28.07.2024. The charge has not been framed. It is submitted that on account of the enmity between the family of the victim and family of the accused, he was falsely implicated. Learned Advocate submits that applicant/accused will not enter the Kamptee Municipal Council area till the completion of the trial. Learned Advocate submits that applicant is ready to abide by the conditions that may be imposed by the Court.

4. Learned APP and learned Advocate for non-applicant No.2 submit that prior to the incident in question, the accused had indulged in a similar incident. However, it was not reported to the police. The possibility of pressurizing and extending the threat to the victim and her family members cannot be ruled out if he is enlarged on bail. The crime committed by the accused is serious. The accused took advantage of absence of the parents of the victim girl. It is pointed out that the victim girl was saved from the further serious act on the part of the accused due to the presence of the other children of the locality. It is submitted that if the Court is inclined to grant the bail, then he shall be directed not to enter the Kamptee Municipal Council area, as well as he shall attend Kamptee Police Station once a month.

5. I have gone through the record and proceeding. The offence alleged to have been committed by the accused is under Section 74 of the Bharatiya Nyaya Sanhita and Section 8 of the POCSO Act. The offences are non-bailable. The accused was arrested on 28.07.2024. The victim girl on the date of the incident was 11 years old. The accused, after examination of his 12th standard, had appeared for CET. The father of the accused is no more. The mother of the accused, as stated by the accused, depends on his income. At the relevant time, he was doing a part-time job to earn his livelihood.

6. The charge-sheet has been filed. The accused has been remanded to judicial custody. His further detention is not necessary for any investigation or custodial interrogation. Learned Advocate for the accused submitted that if he is released on bail, then he will not enter Kamptee Municipal Council area as well as will report to Kamptee Police Station once a month. The charge has not been framed after filing of the charge-sheet on 27.08.2024. The completion of the trial may take some time. Considering the nature of the crime, age of the accused and other circumstances, in my view, further incarceration of the accused may not be warranted.

7. In view of the facts and circumstances of the case, I

am inclined to grant bail to the accused. The apprehension put forth by the learned APP can be taken care of by imposing appropriate conditions. Hence the following order:-

- i) Criminal application is allowed.
- ii) Applicant- **Sushant S/o Vinod Meshram** be released on bail in Crime No.378/2024 registered with Kamptee Police Station District: Nagpur for the offences punishable under Sections 74 of the Bharatiya Nyaya Sanhita and Section 8 of the POCSO Act , on his furnishing P.R. Bond in the sum of Rs. 15,000/- (Rupees Fiteen Thousand only) with one surety in the like amount.
- iii] The applicant shall not enter the territorial limit of Kamptee Municipal Council till the completion of trial except for attending Kamptee Police Station once in a month.
- iv] The applicant shall attend Kamptee Police Station on 1st date of every month till the completion of trial between 7.00 p.m. and 9.00 p.m.

v] The applicant shall not directly or indirectly make any inducement or promise to any witness in any manner.

vi] The applicant shall not tamper with the prosecution evidence.

vii] The applicant shall not pressurize or threaten the prosecution witnesses.

viii] The applicant shall extend fullest cooperation to the trial Court while conducting the trial.

8. The High Court Legal Services Sub-Committee, Nagpur shall pay the fees to the learned Advocate appointed to represent the victim, as per rules.

9. The Criminal Application stands **disposed of** accordingly.

(G. A. SANAP, J.)