



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

CRIMINAL APPLICATION (BA) NO. 1180 OF 2024

Sandip Narayan Dhakare

.Vs.

State of Maharashtra and another

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

Mr S.S. Sheikh, Advocate for the applicant.

Mr U.R. Phasate, APP for the State.

Mr. B.K. Suchak, Advocate (appointed) for non-applicant No.2.

CORAM : G.A. SANAP, J.

DATE : 15.01.2025

Heard.

2. The accused/applicant has made this application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'B.N.S.S., 2023') in crime bearing No.292/2024 registered at Khandala Police Station District Yavatmal for the offences punishable under Sections 74, 75, 78 and 333 of the B.N.S.S. and Sections 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 (for short, 'POCSO Act').

3. Learned Advocate for the accused submits that from the date of his arrest dated 07.08.2024, he has been behind bars. Charge-sheet is filed. It is submitted that the accused is a labour. It is submitted that further detention of

the accused is not necessary considering the nature of the crime registered against him.

4. Learned APP as well as learned Advocate for the victim submitted that in the past, the accused has indulged in similar crimes. The crime is serious. It is submitted that the victim girl has been studying in 11th standard at village Harshi. She has been staying at a hostel. It is further submitted that on weekends the victim girl visits her village, Fetra. It is submitted that considering the nature of the offence and the past conduct of the accused, no case has been made out to release him on bail.

5. I have gone through the record and proceedings. The main allegation is with regard to outraging the modesty of the victim girl and the offence of sexual assault under Section 8 of the POCSO Act. The victim girl, on the date of the registration of the First Information Report, was 15 years and eight months old. The crime was registered on the report of the victim. Charge-sheet has been filed. The accused and the victim are residents of the same village. In my view, considering this fact, the possibility of tampering with the prosecution evidence cannot be ruled out. However, on this count, bail cannot be rejected. The Court has to bear in mind the nature of the crime, stage of investigation and relations, if any, between the accused and the informant. They are the residents of the same village. The victim girl has been taking

education at village Harshi. She has been staying at a hostel. Learned Advocate for the accused submitted that if this Court is inclined to grant bail to the accused, then the Court may direct the accused not to enter village Harshi as well as village Fetra, Taluka Pusad. It is to be noted that in the past one or two crimes have been reported against the accused.

6. Considering the nature of the crime committed in this case by the accused and the fact that charge-sheet has been filed, it would be just and proper to grant him bail. His further incarceration is not warranted. Keeping in mind the facts and circumstances the apprehension put forth by the learned APP and the learned Advocate for the victim can be taken care of by imposing appropriate conditions. Hence the following order:-

- i) Criminal application is allowed.
- ii) Applicant- **Sandip Narayan Dhakare** be released on bail in Crime No.292/2024 registered with Khandala Police Station District: Yavatmal for the offences punishable under Sections 74, 75, 78, 333 of the B.N.S.S., 2023 and Section 8 and 12 of the POCSO Act, 2012, on his furnishing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety in

the like amount.

iii] The applicant shall not enter village Harshi as well as village Fetra till the completion of trial.

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

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

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

vii] The applicant shall co-operate the investigating officer.

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

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

(G. A. SANAP, J.)