

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.526 OF 2022

Hardik Harish Nagariya .Vs. State of Maharashtra, through P.S.O., P.S. Akot File,
Akola, Dist. Akola 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 Gurpreet singh H. Chandok, Advocate for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

Shri Aayush Sharma, Advocate for the non-applicant No.2/victim.

CORAM : ANIL S. KILOR, J.

DATED : 26/08/2022

1. The applicant is seeking pre-arrest bail in Crime No.315 of 2022, dated 19.05.2022, registered with Police Station Akot File, District: Akola, for the offence punishable under Section 354-C read with Section 34 of the Indian Penal Code, Sections 11 and 12 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "POCSO Act") and Sections 67-A and 67-B of the Information Technology Act.

2. Shri Chandok, learned counsel for the applicant submits that the present First Information Report (FIR) is the outcome of the FIR lodged by the sister against the brother of the informant. He submits that the applicant has been falsely implicated in the alleged offence.

3. The learned counsel for the applicant further submits that considering the allegations made in the FIR, his custodial interrogation is not necessary and as far as recovery of mobile phone is concerned, he is ready to surrender the same. Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, Shri Sirpurkar, learned APP strongly opposes the present application and prays for rejection of the present application.

5. Shri Aayush Sharma, learned counsel for the non-applicant No.2/victim reiterates the submission of the learned APP.

6. I have perused the Case Diary and the FIR.

7. The sister of the applicant, who is the co-accused in the present offence, has already been released on bail. Further considering the nature of the allegations, I am of the opinion that, custodial interrogation of the applicant is not necessary, particularly, in view of the undertaking given by the applicant that he will surrender his mobile phone. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.

- b) It is directed that in the event of arrest of the applicant in Crime No.315 of 2022, registered with Police Station Akot File, District: Akola, for the offence punishable under Section 354-C read with Section 34 of the Indian Penal Code, Sections 11 and 12 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "POCSO Act") and Sections 67-A and 67-B of the Information Technology Act, the applicant shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station on 05th September, 2022 to 09th September, 2022, the same shall be considered as deemed custody for the purpose of recovery of mobile phone of the applicant.
- d) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of** accordingly.

[ANIL S. KILOR, J.]