

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 BAIL APPLICATION NO.1368 OF 2020

BHAUSAHEB S/O BABAN PIMPALE
VERSUS
THE STATE OF MAHARASHTRA

.....

Advocate for Applicant : Mr. Karpe Rahul R.
APP for Respondent-State : Mr. N. T. Bhagat

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CORAM : V. K. JADHAV, J.
DATED : 11TH DECEMBER, 2020

PER COURT :-

1. The applicant is seeking regular bail in connection with Crime No. 961 of 2020 registered with Karjat Police Station, Taluka Shrigonda, District Ahmednagar for the offence punishable under Sections 452, 354, 323, 504, 506 of IPC and under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012. His application with similar prayer bearing Criminal (Bail) M.A. No. 583 of 2020 came to be rejected by the Additional Sessions Judge, Shrigonda vide order dated 09.11.2020.

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2. Learned counsel for the applicant submits that the investigation is over for all practical purposes and the formality of filing charge sheet is only remained. The applicant is the neighbour of the informant and members of both the families are in visiting terms. Learned counsel submits that it has been alleged in the complaint that on 03.10.2020 at about 10.00 p.m., after taking diner, the informant along with her minor daughter slept in the house whereas, the son and the in-laws slept in the shed in front of the house. It has been further alleged that at about 11.30 p.m., the informant woke up due to hue and cries of her minor daughter and noticed the presence of the present applicant there. She had noticed that the present applicant sat on the person of her minor daughter. It has been further alleged that even the applicant had given abuses to the informant and on arrival of the other members of the family, the applicant fled away from the spot. The victim has reported to the informant that the present applicant had pressed her chest and also slapped and threatened her. Learned counsel submits that on previous occasion, in a case

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bearing R.C.C. No. 191 of 2011, the present applicant was a witness for the prosecution and he had given evidence against the cousin of the informant. The said case resulted in conviction of the accused persons therein. In consequence thereof, the cousin of the informant further extended beating to the applicant and on the basis of the complaint lodged by the applicant, crime no. 105 of 2013 came to be registered at Karjat police station for the offence punishable under Sections 143, 147, 149, 326, 323 and 504 against the cousin of the informant. Learned counsel submits that in the presence of other members of the family, who slept in the shed abutting the front portion of the house, it was impossible for the applicant to enter in the house and further to commit the offence as alleged. Learned counsel submits that the applicant has been falsely implicated in this crime. There is no criminal history. The applicant is in jail in connection with the present crime since 24.10.2020. The applicant may be released on bail.

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3. Learned APP has strongly resisted the application on the ground that the applicant had not only entered in the house of the informant, but also outraged the modesty of the minor daughter of the informant. *Prima facie* there is strong case against the applicant. There are eye witnesses to the incident. The applicant may not be released on bail.

4. On going through the allegations made in the complaint and on perusal of the investigation papers, though I find name of the applicant mentioned in the FIR with a specific role ascribed to him, however, the investigation is over for almost all purposes and the formality of filing charge sheet is only remained. It further appears that there is enmity between the cousin of the informant on one side and the applicant on the other side. It further appears that the other family members, though slept below the shed of the house, could not notice the entry of the applicant in the house at about 11.30 p.m. Thus, considering the entire aspect of the case and since there is no criminal history, I am

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inclined to release the applicant on bail with certain conditions. Hence, following order.

O R D E R

I. The application is hereby allowed.

II. The applicant BHAUSAHEB S/O BABAN PIMPALE be released on bail in connection with Crime No. 961 of 2020 registered with Karjat Police Station, Taluka Shrigonda, District Ahmednagar for the offence punishable under Sections 452, 354, 323, 504, 506 of IPC and under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012, on his furnishing P.B. of Rs.15,000/- with one surety of the like amount on the following conditions :-

a] The applicant shall not tamper with the prosecution evidence in any manner.

b] The applicant shall not enter within the limits of village Bardi, Taluka Karjat, District Ahmednagar till filing of the charge sheet.

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c] The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 08.00 a.m. to 11.00 a.m. till filing of the charge sheet.

III. Application is accordingly disposed of.

(V. K. JADHAV, J.)

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