

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 BAIL APPLICATION NO.348 OF 2020

RAOSAHEB S/O. JAYWANT MOKATE
VERSUS
THE STATE OF MAHARASHTRA

WITH

CRIMINAL APPLICATION NO.987 OF 2020
IN BA/348/2020

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Advocate for Applicant : Mr. Yogesh D. Kale h/f Mr. Karpe R. R.
APP for Respondent-State : Mr. A. S. Shinde.
Advocate for informant to assist APP : Mr. A. G. Ambetkar.

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CORAM : V. K. JADHAV, J.
DATE : 07.01.2021

PER COURT :-

1. Heard learned counsel Mr. A. G. Ambetkar for the applicant in Criminal Application No.987 of 2020. For the reasons stated in the application, Criminal Application is allowed in terms of prayer clause "A". Criminal application accordingly disposed off.

2. The applicant is seeking regular bail in connection with Crime No.124 of 2020 registered with MIDC Police Station, District Ahmednagar for the offences punishable under

Sections 354-A, 354, 452, 323, 504, 506 read with Section 34 of IPC and Section 8, 12 of POCSO Act. His application with similar prayer bearing Criminal (Bail) Misc. Application No.283 of 2020 came to be rejected by the learned Additional Sessions Judge, Ahmednagar.

3. The learned counsel for the applicant submits that, the investigation is over and the charge-sheet has been submitted. The applicant is in jail in connection with the present crime since 03.03.2020. The applicant is a Zilla Parishad Teacher by occupation. The learned counsel submits that though the name of the applicant is mentioned in the FIR with some specific allegations, however, the relations between the applicant and the informant's mother have become strained. There is a reference to the said strained relations in the complaint itself. It has been stated in the complaint that the wife of the present applicant namely Vimal has also lodged the complaint against the mother of the informant at Women's Grievance Redressal Cell, Ahmednagar and even the mother of the informant was called before that Cell on 28.02.2020. The learned counsel submits that even though the incident allegedly taken place on 19.01.2020 and thereafter on

20.01.2020, however, there is an inordinate delay in lodging the complaint, the complaint came to be filed on 02.03.2020. The learned counsel submits that the offences alleged to have been committed by the applicant are punishable with five years imprisonment in aggregate. The applicant is ready to abide the conditions, if imposed by this Court while enlarging him on bail. The learned counsel submits that the applicant may be released on bail.

4. The learned APP assisted by Advocate Mr. A. G. Ambetkar has strongly resisted the application on the ground that the applicant is a step father of the informant and he has outraged the modesty of the informant, who is 17 years of age. Even on 28.02.2020 though the matter was compromised, in the night at about 11.30 p.m., the applicant along with the other co-accused persons entered in the house and outraged the modesty of the informant again. There are serious allegations. The applicants may not be released on bail.

5. On going through the allegations made in the complaint and on perusal of the charge-sheet, though I find the name of the applicant is mentioned in the FIR with a specific role

attributed to him, however, it appears that the relations between the mother of the informant and applicant have become strained and even the wife of the applicant has also lodged the complaint against the informant's mother and the informant's mother was called before the Women's Grievance Rederessal Cell at Ahmednagar. Thus, the possibility cannot be ruled out that the present complaint is the outcome of the said strained relations. Furthermore, the other co-accused persons with the similar set of allegations were released on anticipatory bail. The applicant is a Zilla Parishad Teacher. He is easily available for trial. There is no criminal history. Thus, I am inclined to release the applicant on bail. Hence, I proceed to pass the following order :

ORDER

1. The application is hereby allowed.
2. The applicant RAOSAHEB S/O. JAYWANT MOKATE in connection with Crime No.124 of 2020 registered with MIDC Police Station, District Ahmednagar for the offences punishable under Sections 354-A, 354, 452, 323, 504, 506 read with Section 34 of IPC and Section 8, 12 of POCSO Act,

be released on bail on furnishing P.B. of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety of the like amount on the following conditions :-

- a] The applicant shall not tamper with the prosecution evidence in any manner.
- 3. Application is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-