

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO.213 OF 2021

Akash s/o. Bhimsing Patil ..Appellant

Vs.

State of Maharashtra and anr. ..Respondents

Mr.M.M.Joshi, Advocate for appellant

Mr.V.S.Badakh, APP for respondent no.1

Mr.Baliram Shinde, Advocate for respondent no.2

CORAM : R.G. AVACHAT, J.

DATE : MAY 27, 2021

(Vacation Court)

ORDER :-

The challenge in this appeal is to the order dated 19.03.2021 passed by learned Additional Sessions Judge, Bhusawal, Dist. Jalgaon, rejecting the application of the appellant for bail.

2. Heard learned counsel for the parties.

3. The appellant is alleged to have committed offences punishable under Sections 354 and 354-A of Indian Penal Code and offences punishable under

Sections 3(1)(s), 3(1)(2)(i)(ii), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. He has been arrested on 04.03.2021. The FIR has been lodged by the mother of the victim. It is alleged in the FIR that the informant's daughter – Sunita (name changed) was a girl over 13 years of age. The appellant is acquainted with the informant and her family members. On 02.03.2021, Sunita told the informant that while she had been out of house to answer nature's call, the appellant suddenly came to her. He dragged her close to him. The appellant told that he was leaving for Mumbai. Sunita got herself rescued and came home weeping and narrated her mother what had happened with her.

4. The victim girl belongs to scheduled caste. The provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act have, therefore, been invoked.

5. Learned APP urged for dismissal of the appeal on the ground of the victim being around 14 years of age.

6. From the allegations in the FIR, the appellant, allegedly, caught hold of the hand of Sunita and pulled her close to him. He told that he was in love with her. No further overt-act has been attributed to the appellant. Since 3rd March, 2021, the appellant has been behind the bars. He is 23 years of age. It will take time for commencement of the trial and conclusion thereof. The appellant has roots within the limitation of the Court seized with the matter. I am, therefore, inclined to grant the appellant bail.

7. In view of the above, the appeal is allowed in terms of the following order :-

(i) The appellant be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount in

connection with Crime No.34 of 2021 registered with Varangaon Police Station, Tq.Bhusawal, Dist. Jalgaon, for the offences punishable under Sections 354 and 354-A of Indian Penal Code and under Sections 3(1)(s), 3(1)(2)(i)(ii), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

(ii) The appellant shall not tamper with the prosecution evidence in any manner.

(iii) The appellant shall report to the concerned police station as and when required.

(iv) Bail before the trial Court

[R.G. AVACHAT, J.]