

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

**938 BAIL APPLICATION NO. 1103 OF 2021**

**PRALHAD PARASARAM KHANDAGALE PATIL  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER**

Shri. Rajendra S. Deshmukh, Senior Advocate i/b Shri. N. L. Jadhav & Shri. Suvidh S. Kulkarni, Advocate for the applicant

Shri. P. G. Borade, APP for the respondent/State

Smt. Renuka Ghule, Advocate for respondent No. 2 (appointed)

**CORAM : M. G. SEWLIKAR, J.**

**DATED : 07 OCTOBER, 2021**

**PER COURT :-**

1. Heard.
2. Learned Senior counsel Shri. Deshmukh i/b Shri. Jadhav for the applicant submits that the applicant is a practicing lawyer in this Court and he has been framed in this case. He submits that the allegations are that the victim aged 11 years had been to the house of the applicant. At that time the applicant molested her. Therefore, offence under Sections 354(A)(1)(i) and 506 of the Indian Penal Code and under Sections 7 and 8 of the POCSO Act came to

be registered.

3. He submits that landlord of the informant asked the informant to vacate the house. The landlord is the client of the applicant. Informant, therefore, was under the impression that it is the applicant who had instigated the landlord to vacate the house. He further submits that there is a temple in the society. The informant is in the habit of throwing garbage in front of the temple to which the applicant objected. To settle the score, this false case is filed. He further submits that the applicant, being a practicing lawyer, will be available for trial. He is 60 years of age. Offence is not punishable with death or imprisonment for life.

3. Learned APP Shri. Borade and Smt. Ghule, learned counsel for respondent No. 2/informant submit that in the statements under Section 164 of the Code of Criminal Procedure also the informant and the victim made the same allegations as are made in the FIR. They submit that the victim is a girl of tender years i.e. of 11 years of age. The

applicant if released on bail may tamper the prosecution evidence.

4. Charge-sheet is filed. Therefore, further detention of the applicant is not necessary. Offence under Section 354(A)(1)(i) of the Indian Penal Code is punishable with imprisonment for 3 years. Offence under Section 8 of the POCSO Act is punishable with imprisonment for 3 years but which may extend to 5 years. The applicant admittedly is a practicing lawyer. He will be available for trial. He does not have any criminal antecedents. This appears to be the first offence. In this view of the matter, more particularly considering the pandemic situation created due to Covid-19, trial is not likely to commence in near future. Applicant, therefore, cannot be detained for an indefinite period. In view of this, I am inclined to release the applicant on bail. Hence the order.

#### **ORDER**

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR

bond of Rs. 30,000/- (Rupees Thirty Thousand only) with one solvent surety in the like amount in connection with CR No. 296 of 2021 under Sections 354(A)1(i) and 506 of the Indian Penal Code and under Sections 7 and 8 of the POCSO Act registered with MIDC Cidco Police Station, Dist. Aurangabad.

3. Application is disposed of.

4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

**[M. G. SEWLIKAR, J.]**

ssp