

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

BAIL APPLICATION NO. 1163 OF 2022

Pravin @ Buntly Vijay More	... Applicant
Versus	
The State of Maharashtra and another	... Respondents

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Mr. Rohit P. Patwardhan, Advocate for applicant
Mr. V. S. Badakh, APP for respondent No.1 – State
Ms Purva Patil, Advocate (appointed) for respondent No.2

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CORAM : R. G. AVACHAT, J.
DATED : 22nd AUGUST, 2022

PER COURT :-

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0162/2022 registered at Pathardi Police Station, District Ahmednagar for the offences punishable under Sections 354-D, 354, 504, 506, 509 of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences (POCSO) Act.

2. Heard. Perused the First Information Report (FIR) and related papers

3. The FIR has been lodged by the victim herself on 27.02.2022. At the time of lodging of the FIR, the victim claims to be little over 18 years of age. It is her case that while she was in 10th standard, the applicant herein would stalk her on her ways to school and back home. He used to pass by her uttering obscene talk. The applicant, this way, continued to harass the informant. She had, therefore, related the same to her parents. The applicant was reasoned with. There was, however, no change in his behaviour. The parents of the victim, therefore, discontinued her school.

4. It is further her case that just six months before lodging of the FIR, she had joined beauty parlour course. For 10 - 12 days before registration of the FIR, the applicant continued his behaviour as before. On 25.02.2022, the applicant intercepted her. He proposed her for marriage. Caught hold of her hand with an intention to outrage her modesty. He also gave her threats if she inform the incident to anyone.

5. The learned APP urged for rejection of the application. The learned Advocate representing the victim would submit that the applicant has criminal antecedents. If he is granted bail, he would again harass the informant.

6. The learned Advocate for the applicant would, on the other hand, submit that it was an emotional relationship. A false FIR has been lodged. Charge-sheet has been filed. He, therefore, urged for grant of bail.

7. Considered the submissions advanced. Perused the FIR and related papers. The applicant is 22 years of age. There is delay of two days in lodging of the FIR. The applicant is alleged to have proposed the informant and caught hold of her hand. Since the charge-sheet has been filed, it will take time for commencement and conclusion of trial. In the facts and circumstances of the case, the applicant's pre-trial detention is unwarranted. He is in jail for over five months. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0162/2022, registered with Pathardi Police Station, District Ahmednagar, for the offences punishable under Sections 354-D, 354, 504, 506, 509 of the Indian Penal Code and under Section 12 of the POCSO Act, on his executing P. R. bond in the sum of

Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.

(iii) The applicant shall furnish the bail papers, post his release from jail.

(iv) The applicant shall not enter the village Pathardi, till conclusion of the trial.

(v) The applicant shall not tamper with the prosecution evidence.

8. The Registrar (Judicial) of this Court is requested to ensure the applicant's release, forthwith.

9. The fees of the learned Advocate Ms Purva Patil is quantified at Rs.6,000/- (Rupees Six Thousand).

[R. G. AVACHAT, J.]

SMS