

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

BAIL APPLICATION NO. 1269 OF 2022

Sadashiv Gangadhar Upade	... Applicant
Versus	
The State of Maharashtra and another	... Respondents

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Mr. Satej S. Jadhav, Advocate for applicant
Mr. A. V. Deshmukh, APP for respondent No.1 – State
Ms Aparna Sapate, Advocate (appointed) for respondent No.2

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CORAM : R. G. AVACHAT, J.

DATED : 15th SEPTEMBER, 2022

PER COURT :-

1. 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.0101/2022, registered at Bardapur Police Station, District Beed, for the offences punishable under Sections 354, 354-A of the Indian Penal Code and under Sections 8 and 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 mother of six year old victim on 25.06.2022 in relation to the incident dated 21.06.2022.

4. The sum and substance of the prosecution case is that the applicant, an octogenarian, would compel the victim to take his private part in her hand. There is eye witness account of the informant herself.

5. The learned APP and the learned Advocate representing the victim would submit that the victim was just six years of age. The applicant is like her grandfather. The heinous crime has been committed by him. If he granted bail, he may indulge in similar offence. They, therefore, urged for rejection of the application.

6. There are no words to condemn the crime allegedly committed by the applicant. The fact is however that the FIR has been lodged four days after the alleged incident. The applicant is 80 years of age. He is in jail for about 2½ months. It would necessarily take time for commencement and conclusion of trial. The Court is therefore inclined to grant him bail. Hence, following order:

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with Crime No.0101/2022, registered at Bardapur Police

Station, District Beed, for the offences punishable under Sections 354, 354-A of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, on his executing P. R. bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with surety bond of the like amount.

- (iii) The order granting bail to come into operation from 10.10.2022.
- (iv) The applicant shall not enter the village Girwali (Bawane), taluka Ambajogai, till conclusion of trial.
- (v) The applicant shall not tamper with the prosecution evidence.
- (vi) Fee of learned Advocate Ms Aparna Sapate (appointed) is quantified at Rs.6,000/- (Rupees Six Thousand).

[R. G. AVACHAT, J.]