

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

BAIL APPLICATION NO. 1319 OF 2022

Sadashiv Prakash Thoke

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. M.S. Shaikh, Advocate for applicant

Mr. N.T. Bhagat, A.P.P. for respondent no.1 – State

Ms. S.G. Pujari, Advocate for respondent no.2 - victim

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CORAM : R.G. AVACHAT, J.

DATE : 06th SEPTEMBER, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 439 of 2021 registered with Basmat City Police Station, Dist. Hingoli for the offences punishable under Sections 354, 354-A, 354-B and 452 of the Indian Penal Code and under Sections 8 and 12 of Protection of Child from Sexual Offences Act, 2012.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by mother of the victim on 30th December, 2021. She is not an eye witness to the incident. As per the

statement of victim, she was thirteen years of age at the relevant time. The applicant is their neighbor. On the given day, the applicant came to the house of the informant. The informant was not home. The victim was there alongwith her younger sisters. The applicant asked the younger sister to fetch Sprite (cold drink). He gave her Rs.50/-. When she left, he caught hold the hand of the victim, took her inside the room and maltreated her.

4. Learned A.P.P and learned counsel representing the victim would submit that fortunately sexual assault has been averted. The offence is serious one. The applicant resides in the neighborhood. They, therefore, urged for rejection of the application.

5. Considered the submissions advanced. Perused the statement of victim. The applicant is twenty-five years of age. He is behind the bars for little over eight months. It will take time for commencement and conclusion of trial. For these reasons, the Court is inclined to grant the applicant bail.

6. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released on bail, in connection with Crime No. 439 of 2021 registered with Basmat City Police Station, Dist. Hingoli for the offences punishable under Sections 354, 354-A, 354-B and 452 of the Indian Penal Code and under Sections 8 and 12 of Protection of Child from Sexual Offences Act, 2012, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not enter Basmat, Dist. Hingoli until conclusion of trial.

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

(V) Fees of Ms. S.G. Pujari, learned counsel, is quantified to Rs.6,000/-.

(R.G. AVACHAT, J.)

SSD