

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

915 BAIL APPLICATION NO.1520 OF 2021

**MAHADEV DAGDU AGLAVE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Shri. R. G. Hange, Advocate for the applicant
Smt. R. P. Gour, APP for the respondent/State
Shri. R. b. Dhaware, Advocate for respondent No. 2.

**CORAM : M. G. SEWLIKAR, J.
DATED : 17th February, 2022**

PER COURT :-

1. Heard.
2. It is alleged in the FIR that the informant/victim's parents are not getting along well with each other. They are in the process of taking divorce. It is further alleged that people suspect that there are illicit relations between the mother of the victim and the applicant. The victim and her two sisters are residing with their father. Their mother resides separately.
3. It is further alleged that on 29th October, 2021,

applicant came on motorcycle from behind and started eve teasing the informant and her two sisters while they were on the way to school. He pelted a pabble at the informant and her two sisters and thereafter caught her hand and started dragging her saying that the informant was good looking. When the informant raised shouts, the applicant ran away.

4. Learned counsel Shri. Hange for the applicant submits that this is completely a false case. The applicant has also filed a complaint under Section 379 of the Indian Penal Code against the father of the victim. There are strained relations between the applicant and the father of the victim on account of the suspicion of the father of the victim that victim's mother and the applicant have illicit relations. He further submits that to take revenge, this false case has been filed against the applicant.

5. Learned APP Smt. Gour for the respondent/State and learned counsel Shri. Dhaware for respondent No. 2 submit that the applicant goes to the school of the victim

also and harasses her. The teachers of the victim have also given the statements to that effect. They submit that if this court is inclined to release the applicant on bail, stringent conditions may be imposed.

6. Admittedly, the relations between the father of the victim and the applicant are strained as the father suspects that the applicant has illicit relations with the mother of the victim. A complaint is also filed under Sections 379, 504 and 506 of the Indian Penal Code by the applicant against the father of the victim. Considering the quantum of sentence i.e. 5 years for offence under Section 354 of the Indian Penal Code and 3 years for offence under Section 12 of the POCSO, I am inclined to release the applicant on bail. The applicant has already been released on interim bail by this court. Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with

one solvent surety in the like amount in connection with CR No. 0250 of 2021 under Sections 354, 506 of the Indian Penal Code and under Section 12 of POCSO Act registered with Dharur Police Station, Dist. Beed, on condition that he shall not enter the village of the victim till the conclusion of the trial and shall not keep any contact with the victim and shall not repeat the same offence again.

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