

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

931 BAIL APPLICATION NO.1679 OF 2021

HANUMAN @ HANUMANT RAMBHAU PANDHARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. Hange Anirudh R.
APP for Respondents/State : Mr. A.V. Deshmukh
Advocate for R/2 : Mr. U.M. Maske Patil (Appointed)

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CORAM : M.G. SEWLIKAR, J.
DATE : 20th January, 2022

PC.:-

By this application, applicant is seeking his release on bail in connection Crime No. 344/2021 under Section 354, 354-A, 452 of I.P.C. and under Section 8 and 12 of POCSO Act registered with Ambajogai Rural Police Station, District Beed.

2. Case of the prosecution in brief is that the informant was studying in her house. Applicant came there and held her from behind, pressed her breast, physically lifted her and was trying to kiss her. Victim/informant shouted, pushed him and ran out of the house. On hearing her shouts Ashok Gangane and Tanhaji Gangane came there. She told them about the incident. In the FIR she told the name of the applicant as Angad. In her supplementary statement she stated the name of the applicant as Hanuman alias Hanumat

Rambhau Pandhare. On these allegations offence as aforesaid came to be registered.

3. Heard Shri Hange learned counsel for the applicant, Shri Deshmukh learned APP for the State and Shri V.M. Maske Patil learned counsel for the respondent no.2 (Appointed).

4. Learned counsel Shri Hange submits that applicant has been falsely implicated in this case. He submits that there is a civil dispute pending between the maternal uncle of the applicant and father of the applicant in respect of landed property. He submits that to wreck vengeance this false FIR has been filed. Learned counsel Shri Hange further submits that it is a case of non penetrative sexual assault which is punishable with minimum three years imprisonment which can be extended to five years. Applicant is a young boy of 21 years.

5. Learned APP Shri Deshmukh and Shri Maske submit that applicant subjected her to non penetrative sexual assault. They submit that civil dispute is pending with maternal uncle of the applicant and not with the applicant. Therefore, false implication is clearly ruled out. They further submit that charge-sheet is still to be filed. Considering the seriousness of the allegations, applicant cannot be released on bail.

6. Papers annexed with the application and the investigation papers

show that entire investigation is almost complete. Statement under Section 164 of the Cr.P.C. is also recorded. Applicant has no criminal antecedents. He does not belong to the village in which the victim resides. He is not likely to flee from justice. Offence under Section 8 of POCSO Act is punishable with minimum three years imprisonment which can be extended up to five years. Having regard to quantum of sentence prescribed for the offence under Section 8 of POCSO Act and having regard to the facts of the case, I am inclined to release the applicant on bail on stringent conditions. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.30,000/- with one solvent surety in the like amount, in connection with Crime No.344 of 2021 under Section 354, 354-A, 452, of the I.P.C. and under Section 8 and 12 of the POCSO Act with Ambajogai Rural Police Station, District Beed on condition that he shall not enter Taluka Ambajogai till the conclusion of the trial.
- III) Fees of the appointed counsel is quantified @ Rs.5,000/- and it is to be paid through the High Court Legal Services Sub-Committee, Aurangabad.
- IV) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.