

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

**BAIL APPLICATION NO.526 OF 2023**

BABASAHEB @ BABA EKNATH CHENDWAL  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Ghanekar Nilesh S.  
APP for Respondent/State : Mr. K.S. Patil  
Advocate for Respondent No.2 : Mr. A.G. Jadhav h/f Mr. R.D. Thorat

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**CORAM : S.G. MEHARE, J.**

**DATED : JULY 03, 2023**

**PER COURT:-**

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent no.2/victim.
2. The applicant is seeking bail in Crime No.666 of 2022 registered with Shrirampur City Police Station, District Ahmednagar for the offence punishable under Section 366(A), 368, 370(4), 370(A) (1), 372, 373, 376(2)(n)(j) of the Indian Penal Code, Section 3, 4, 5(g), 6 and 17 of the Protection of Children From Sexual Offences Act, Section 4, 5, 6 and 7 of Immoral Traffic (Prevention) Act and under Section 3(1)(w)(i)(ii), 3(2)(v), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organized Crime Act.
3. Admittedly, there were crimes to the discredit of the applicant. However, the prosecution had no material to satisfy the

Court that the applicant has committed any crime with the co-accused. This was the first crime which is allegedly been committed by him with the co-accused, who are involved in the illegal activities. The facts of the case reveal that the victim was about 18 years at the time of the incident and was involved in the prostitution. As per her allegations, she was involved in the said profession for a long period. She was voluntarily residing at one place and doing the profession. Considering the facts of the case and in the absence of any sanction from the DIG to prosecute the applicant for the offences under the Maharashtra Control of Organized Crime Act, there appears no sufficient material to establish the nexus between the accused and the crime showing that the applicant was the active member of the crime syndicate. As far as other allegations are concerned, it reveals that the victim has also voluntarily doing prostitution. She never had any complaints against the applicant till the crime was registered. It seems that they may have a another dispute. Since there is no material to establish the nexus between the accused and the crime as discussed above, at this juncture Section 21 of Maharashtra Control of Organized Crime Act would not come in his way. As far as other offences are concerned, the investigation has been completed. There were no crimes to the discredit of the applicant since long. The material investigation has been completed and nothing is to be

recovered from him. No purpose would be served keeping him behind bar. Hence, the following order :

**ORDER**

- (i) Bail Application is allowed.
- (ii) The applicant, Babasaheb @ Baba Eknath Chendwal, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall not involve himself in the similar crime.
- (iv) The applicant shall not be in contact with the other co-accused till conclusion of the trial.
- (v) The applicant shall keep himself away from the prosecutrix and shall not contact her in any mode or manner till conclusion of the trial.
- (vi) The applicant shall attend the trial on each effective date.
- (vii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad Bench do pay the fees to the appointed counsel for respondent no.2/victim as per schedule.

**(S.G. MEHARE, J.)**