

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.760 OF 2023

DIGAMBAR RAMNATH BENKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. K. N. Shermale, Mr. S. P. Mahale
APP for Respondent No.1 : Mr. V. N. Patil Jadhav
Advocate for Respondent No.2 : Mr. A. T. Jadhavar
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CORAM : S. G. MEHARE, J.

DATE : 05-06-2023

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondent No.1/State and the learned counsel for respondent No.2/victim.
2. The applicant is seeking bail in crime No. 0047 of 2023 registered with police station Akole, District Ahmednagar, for the offences punishable under Section 354A of the Indian Penal Code read with Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The applicant has come with a case that since his brother had to take money from the father of the victim, he has been falsely implicated in the crime. Perusal of the papers does not

inspire the confidence that it was the cause for implicating the applicant in a false crime. However, it appears that the offences for which the applicant has allegedly charged are punishable for the period less than seven years. No weapon has been used in the crime. Nothing is to be recovered from the applicant. The allegations of threatening the witnesses, is also the matter of evidence. Considering the offence allegedly committed by the applicant and the period of imprisonment, the Court is of the view that it would be unjustifiable to keep the applicant behind bar. However, the interest of the child and the family needs to be protected. Therefore, certain conditions shall be imposed. Hence, the following order:-

- i) Bail application is allowed.
- ii) Applicant Digambar Ramnath Benke be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No.0047 of 2023, registered with Akole Police Station, Akole, Taluka Akole, District Ahmednagar, for the offence punishable under Section 354A of the Indian Penal Code and Sections 8 and 12 of the the Protection of Children from Sexual Offences Act, 2012, on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.

- (b) He shall not contact the victim, her parents and other witnesses in any other mode till conclusion of the trial.
 - (c) He shall stay away from the village Samsheerpur, Taluka Akole, District Ahmednagar, for a period of six months from the date of his release.
 - (d) He shall attend the trial on every effective date.
 - (e) The learned Additional Sessions Judge, Sangamner to frame the charge immediately and get the material witnesses examined forthwith, particularly within six months from the date of his release.
- iii) Needless to state that the above observations are restricted to this bail application.

**(S. G. MEHARE)
JUDGE**

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