

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

BAIL APPLICATION NO.934 OF 2023

AAKASH @ PAPPU BHAUSAHEB TAKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. Rahul R. Karpe
APP for Respondent/State : Mr. K.S. Patil
Advocate for Respondent No.2 : Mr. Nilesh N Bhagwat

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

DATED : JUNE 28, 2023

PER COURT:-

1. Heard learned counsel for the applicants, learned APP for the State and learned counsel for respondent no.2/victim.
2. The applicants are seeking bail in Crime No.224 of 2023 registered with Shrirampur City Police Station, District Ahmednagar for the offence punishable under Section 354, 323, 504, 506 of the Indian Penal Code, Section 3(1)(w)(i), 3(2), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and 8 and 12 of Protection of Children From Sexual Offences Act.
3. The incident appears happened in two parts. One was exclusively against the applicant no.1 – Aakash @ Pappu. It has been alleged that he hold the hand of the victim and abused her in filthy language. Then he asked her to sit in his tempo. However, she gave a jerk to his hand fled. In the evening, she reported the said incident to

his father. Her father went to the house of applicant no.1 – Aakash @ Pappu and then other co-accused abused them on their caste and beat him.

4. Learned counsel for respondent no.2/victim would submit that applicant no.1 is involved in similar offences. A crime was registered against him; however, he has been acquitted. Considering his past, he opposed the bail application. Similar were the arguments of the learned APP.

5. The applicants and the victim are neighbours. Applicant no.1 has been acquitted in the similar crime. The applicants have a case that they have been falsely implicated. No incident as such happened. Be that as it may, nothing is to be recovered from the applicants. The material investigation appears to have been completed. Therefore, no purpose would be served keeping them behind bar. Hence, they deserve bail on certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, (1) Aakash @ Pappu Bhausaheb Take, (2) Somnath Asaram Take and (3) Varsha Shivaji Take, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) each with one solvent surety in the like amount each in connection with the above crime, on the conditions that they shall not tamper with the prosecution witnesses.

(3)

(iii) Applicant no.1 – Aakash @ Pappu Bhausahab Take shall stay away from village Undirgaon, Taluka Shrirampur, District Ahmednagar for one month from the date of his release.

(iv) The applicant no.1 shall not contact the victim in any mode or manner till conclusion of the trial.

(v) The applicants shall attend the trial regularly.

(S.G. MEHARE, J.)