

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

947 BAIL APPLICATION NO.1184 OF 2023

SHIVAJI KARBHARI SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. K. R. Yadav (Lonikar) h/f
Mr. Salunke Sudarshan J.
APP for Respondent-State : Ms. V. N. Patil-Jadhav.
Advocate for Respondent No.2 : Mr. R. J. Nirmal.
...

CORAM : S. G. MEHARE, J.
DATE : 25.07.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for respondent No.2.
2. The applicant is seeking bail in Crime No.173 of 2023, registered with Manwat Police Station, District Parbhani, for the offence punishable under Sections 354, 506 of the IPC, Section 8 and 12 of the POCSO Act and Section 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
3. The applicant is a ladies Tailor by profession. He has committed the present offence under the garb of measurement

for the clothes. The application has been strongly opposed by arguing that there are many similar cases, but nobody came forward. The applicant is habitual to outrage the modesty of women under the garb of measurement for the clothes. However, there were no crimes registered against him. Nothing is to be recovered from the applicant.

4. Learned APP and learned counsel for the victim raised the suspicion that the applicant may repeat the crime under the garb of this profession. Therefore, women of the village are insecure. In view of the facts of the case and completion of the material investigation, it would be inappropriate to keep the applicant behind bar. However, to protect the women of the village, certain conditions may be imposed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SHIVAJI KARBHARI SHINDE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.173 of 2023, registered with Manwat Police Station, District Parbhani, for the offence punishable under

Sections 354, 506 of the IPC, Section 8 and 12 of the POCSO Act and Section 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on the following conditions :

- (a) The applicant shall not tamper with the prosecution witnesses.
- (b) He shall either close down the business of tailoring for women or appoint a lady tailor for taking measurement of women for stitching clothes henceforth.
- (c) The above condition has been imposed since the applicant has another source of income from agriculture and the protection of women in the village is essential.
- (d) He shall report the Investigating Officer that he has complied with the above orders.
- (e) The applicant shall not enter village Hamdapur for three months from the date of his release.

(S. G. MEHARE, J.)

...