

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1190 OF 2023

SAGAR MADHUKAR MAIRAL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Dinkar K. Dagadkhair
APP for Respondents No.1 and 2/State : Mr. Y. G. Gujrathi
Advocate for Respondent No.3 : Ms. Ranjana Reddy (appointed)

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CORAM : S. G. MEHARE, J.

DATE : 10-08-2023

PER COURT :-

1. Heard the learned counsel for the applicant. the learned A.P.P. for the respondents No.1 and 2/State and the learned counsel for respondent No.3/victim.
2. The applicant seeks bail in C.R.No.0152 of 2023 registered with Police Station Jawahar Nagar, Aurangabad, for the offences punishable under Section 354D of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.
3. This is a case of stalking as defined under Section 354D of the Indian Penal Code and The imprisonment for it is to the extent of three years for the first offence. It is also the case of sexual harassment under Section 11 of the POCSO Act for which the imprisonment may be extended to three years and fine.
4. The learned counsel appearing for the victim expresses apprehension of danger to the victim and her family at the hands

of the applicant.

5. The allegations reveal that he was barely following the victim. He is not resident of the locality where the incident happened. He is not the resident of Aurangabad. He is a labourer. Considering the nature of the offence and the punishment provided therefor, it would be unjustifiable to keep him behind bars. The apprehension of the victim may be guarded by imposing certain conditions. Hence, the order:-

- i) The application is allowed.
- ii) Applicant Sagar Madhukar Mairal be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He shall not enter the locality where the incident happened and threat the victim or the witnesses of the crime till conclusion of the trial.
 - (b) He shall attend the police station as and when called by the Investigating Officer on a written notice till filing the chargesheet.
 - (c) He shall attend the trial on each and every effective date.
- iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad, do pay the fee to the learned counsel appointed for respondent No.3/victim, as per the schedule.

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