

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

919 BAIL APPLICATION NO.1202 OF 2023
WITH APPLN/2615/2023 IN BA/1202/2023

SHIVRAJ DATTA JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Suraj R. Bagal h/f
Mr. Gadegaonkar Bharat N.

APP for Respondent-State : Mr. S. B. Narwade.

Advocate for Complainant to assist APP : Mr. Mukhedkar A. A.

...

CORAM : S. G. MEHARE, J.
DATE : 04.08.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the complainant.
2. The applicant is seeking bail in Crime No.93 of 2023, registered with Osman Nagar Police Station, District Nanded, for the offences punishable under Sections 354, 354-A, 354-D, 452, 506 of the IPC and Section 8 and 12 of the POCSO Act.
3. The learned counsel for the applicant would submit that the allegations levelled against the applicant are themselves improbable. No man would dare to enter the home at odd hours and tell to a girl in front of her many relatives that “he

likes her”. The learned counsel for the applicant would submit that the applicant was assaulted and MLC was registered. The FIR is silent about the injuries suffered to the victim. The allegations against the applicant are *prima facie* improbable. The report appears to have been lodged only to make the offence serious. There was no allegation of use of any weapon. Nothing is to be recovered from him. Hence, he may be granted bail.

4. Learned APP would point out that the victim had suffered contusions and abrasions and in all eight injuries. The offence is serious. Hence, he may not be granted bail.

5. Learned counsel for the victim has vehemently argued that the applicant repeatedly outraged modesty of victim. Hence, the victim was mentally disturbed. She could not concentrate over her studies. The applicant has a shop just in front of her house, so she may be under threats and fear. The applicant has filed the complaint to counter blast the report lodged against him. The defence of the applicant is improbable. His medical certificate is also doubtful. Entering the house at odd hours is the circumstance against the applicant. The offence is grave. The child needs to be protected. Hence, bail may not be granted.

6. The FIR reveals no allegations of assault. Considering the injuries suffered to the victim, those may be caused in scuffling. The applicant was also suffered injuries. The FIR itself reveals that the applicant said to the victim before her many relatives by entering into home at odd hours that “he likes her”. Such allegations are to be tested on the preponderance of probability. Be that as it may, the papers placed before the Court reveals that something different dispute was there. The injured and the accused might have suffered the injuries in assaulting each other. Considering the allegations and papers in totality and no use of the weapon in the crime, the Court is of the view that the detention of the applicant would serve no purpose. However, to avoid the further complications, certain conditions may be imposed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SHIVRAJ DATTA JADHAV** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, in Crime No.93 of 2023, registered with Osman Nagar Police Station,

District Nanded, for the offences punishable under Sections 354, 354-A, 354-D, 452, 506 of the IPC and Section 8 and 12 of the POCSO Act, on the following conditions :

- (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) He shall not contact the victim or her relatives till conclusion of the trial.
 - (c) He shall stay away from village Kapsi Budruk, Taluka Loha, District Nanded for three (3) months from the date of his release.
 - (d) He would keep a female member from his family while running a shop situated in front of the house of victim for five months.
- (iii) Criminal application No.2615 of 2023 to assist the learned APP is allowed.

(S. G. MEHARE, J.)

...

vmk/-