

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

**BAIL APPLICATION NO. 1631 OF 2023**

1. Kadu @ Devidas Madhukar Nannaware  
Age: 52 years, Occu: Labour  
R/o: Gothan Chowk, Banbhor Pra. Cha.  
Tq. Dharangaon, Dist. Jalgaon

**... Applicant**

**Versus**

1. State of Maharashtra  
Through Investigation Officer,  
Dharangaon Police Station  
Tq. Dharangaon, Dist. Jalgaon

2. XYZ

**... Respondents**

...

Mr. S. V. Dixit, Advocate for the Applicant  
Mr. S. B. Narwade, APP for Respondent No.1  
Mr. A. R. Syed, Advocate for Respondent No.2

...

**CORAM : S. G. CHAPALGAONKAR, J.**

**DATE : 16.10.2023**

**PER COURT :**

1. Heard the learned Advocate for the applicant, learned APP for the respondent/State and learned Advocate for respondent no.2.
2. By this application, the applicant seeks regular bail in connection with Crime No.157/2023 dated 21/05/2023 registered with Dharangaon Police Station, District Jalgaon for the offences punishable under Sections 354 and 354-B of the

Indian Penal Code [for short 'IPC'] and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 [for short 'POCSO'].

3. The investigation was set in motion on the basis information given by the father of the victim, who is aged about 10 years. It is alleged that, the cousin [present applicant] of the informant resides in the same locality. There is a water tank near his house. On 20/05/2023, while his wife had been to her duty and son was in the school, the applicant/accused called the victim and gave her Rs.20/-. Thereafter, he removed her clothes and outraged her modesty. On the basis of such report, FIR came to be registered against the applicant. The applicant came to be arrested on 25/05/2023. Since then, he is behind the bars.
4. The investigation progressed in the pursuance of the report. Finally, the charge-sheet came to be filed against the applicant. The applicant moved Special Court for grant of bail. However, his prayer has been rejected vide order dated 18/08/2023. Hence, the present application.
3. Mr. Dixit, learned Advocate appearing for the applicant would submit that, the applicant has been falsely implicated in the crime. A fictitious story is hatched and put into service to make allegations against the applicant. He would submit that,

although the incident occurred on 20/05/2023, the FIR is lodged on next date after consultation with the relatives, which itself depicts manipulation of story. He would further submit that, the investigation in the matter is completed and charge-sheet is also filed. The applicant is behind the bars for more than five months. Further detention of the applicant would not be necessary. The applicant is ready to abide by any conditions as imposed by this Court. Hence, he urges to release the applicant.

4. Learned APP as well as the learned Advocate appearing for respondent no.2 strongly oppose the prayer for grant of bail. They would submit that the victim is merely aged about 10 years, whereas, the accused is 50 years old. A heinous act has been committed by him. They would submit that the victim has been consistent in her statement recorded under Section 161 so also Section 164 of the Code of Criminal Procedure [for short 'Cr.P.C']. They would further submit that the victim and the applicant are the resident of same area. The release of the applicant may hamper the smooth prosecution. Hence, he urges to reject the application.
5. Having considered the submissions advanced, although, on prima facie consideration of the case, there appears allegation against the applicant making out the offences punishable

under Sections 354 and 354-B of IPC and under the provisions of POCSO Act, those are subject to trial. As pointed out by Mr. Dixit, learned Advocate that, there appears some delay in lodging the FIR. The complainant himself states that, after due deliberation with his relatives, the information has been given to the police. The applicant is behind the bars since 25/05/2023. The trial is likely to take its own course. The alleged offences are punishable with imprisonment less than 10 years. In that view of the matter, further detention of the applicant would not be necessary. Hence, the case is made out for grant of bail. Therefore, following order:

**ORDER**

- (I)** Bail Application is allowed.
- (ii)** The applicant, namely, Kadu @ Devidas Madhukar Nannaware, be released on bail in connection with Crime No.157/2023 registered with Dharangaon Police Station, District Jalgaon, for the offences punishable under Sections 354 and 354-B of IPC and Sections 8 and 12 of POCSO on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) on the following conditions:
  - (a)** The applicant shall not tamper with the prosecution evidence / witnesses in any manner.
  - (b)** He shall not establish contact with any witnesses named in the charge-sheet.
  - (c)** He shall attend each and every effective date of hearing before the trial Court.

**(d)** He shall not enter village Banbhor, Tq. Dharangaon, Dist. Jalgaon for six months.

**(iii)** Bail Application is disposed of accordingly.

**[S. G. CHAPALGAONKAR]  
JUDGE**

Sameer