

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

933 BAIL APPLICATION NO.1651 OF 2023

SUDEEP SUDHAKAR KEDARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Sopan G. Bobde
APP for Respondents: Mr. S.B. Narwade.
Advocate for Respondent No.2 : Mr. V.P. Sawant
(appointed through Legal Aid Committee)

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 11TH OCTOBER, 2023

ORDER :-

1. The applicant seeks regular bail in connection with Crime No. 317 of 2023 registered with Pundlik Nagar Police Station, Dist. Aurangabad for the offences punishable under Sections 354, 354A, 354-D, 452, 506 of IPC and sections 8 and 12 of the POCSO Act.

2. The investigation was set in motion on the basis of the information given by the victim who is aged about 17 years. She states that 15 days prior to the date of registration of offence, while she was sitting outside her house, an unknown person approached her and gave her the contact number. He was insisting her to call him on the said number. Further he threatened her. He was saying that if she accepts the friendship, he will take her care. It is further alleged that on 25.8.2023, at about 6.00 p.m., the said person entered in her house,

locked the door from inside and threatened her for accepting the friendship. Then he kissed her on her cheeks. Immediately, the informant gave call to her father. The said person was present there till arrival of her father. Thereafter, the complaint has been lodged.

3. On the basis of aforesaid report, Crime No. 317 of 2023 came to be registered against the applicant. The applicant has been arrested on 27th August, 2023. Since then he is behind bars. The application for grant of regular bail filed by applicant has been rejected by the Special Judge (POCSO) Act, vide order dated 8.9.2023.

3. The learned advocate for the applicant submits that the applicant is young age person and he had expressed his feelings to the victim. Enraged by such act, the false offence has been registered against him. He would submit that the applicant is behind bars for more than 45 days. Investigation in the matter is practically over. All offences alleged against him are triable by Magistrate except the offences under POCSO Act and punishable with imprisonment for less than 5 years. Accordingly, he submits that the applicant be released on bail.

4. Learned APP as well as the learned advocate for respondent No.2 vehemently opposes the prayer. They would submit that there are serious allegations in the complaint which attract the offences charged. They would point out that statement of the victim recorded under Section 164 of Cr.PC. is consistent with her statement in the FIR. They would submit that the statements of witnesses support the narration in the FIR. The learned advocate for the victim submits that release of the applicant may hamper ongoing investigation. The applicant is likely to advance threats to the victim and her family members.

5. Having considered the submissions advanced, apparently, all the offences alleged against the applicants are punishable with imprisonment up to 5 years. The applicant has been arrested on 27.8.2023 and since then, he is behind bars. The investigation in the matter is practically over. There are no criminal antecedents to discredit the applicant. Further detention of the applicant is not necessary. However, to safeguard the interest of the prosecution certain conditions are required to be imposed. Hence, a case is made out for grant of bail subject to certain conditions. Hence, the order :-

ORDER

- (i) The application is allowed.
- (ii) The applicant – Sudeep Sudhakar Kedare be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in crime No. 317 of 2023 registered with Pundlik Nagar Police Station, Dist. Aurangabad, on the following conditions :-

[a] The applicant shall not tamper with the prosecution evidence/witnesses.

[b] The applicant shall not establish contact with any person acquainted with the crime.

[c] He shall visit the concerned police station on every Saturday, between 10.00 a.m. and 2.00 p.m. till filing of charge sheet.

[d] Except for attending the Court and police station, the applicant shall not enter the limits of Aurangabad Municipal Corporation till filing of charge sheet.

[e] Remuneration of Mr. V.P. Sawant Advocate, who was appointed through High Court Legal Services Authority, Aurangabad, be paid as per Rules.

[f] The application stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-