

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

912 BAIL APPLICATION NO.1833 OF 2023

**RAHUL RAMESH JAPE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr.Mali Amol Sudam
APP for Respondent : Mrs P.V. Diggikar
Advocate for Respondents : Mr. Thorat R.D
(appointed Through Legal Aid)

...
CORAM : S. G. CHAPALGAONKAR, J.
Dated: November 07, 2023

...
PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.243 of 2023 registered with CIDCO police station, District Aurangabad for the offences punishable under sections 354, 354-A, 504, 506 of the Indian Penal Code and section 8,11,12 and 18 of the Protection of Children from Sexual Offences Act.

2. Investigation has been set in motion on the basis of the complaint given by the father of the victim, who alleges that his wife resides at her matrimonial home since she is suffering paralysis. He resides alongwith his daughter. On 26.4.2023 while he was chitchatting with his daughter, accused invited the victim to have watermelon and dragged her towards him and kissed her. Based on the aforesaid information, crime no.243 of 2023 dated 26.4.2023 came to be

registered. The applicant has been arrested in pursuance of the aforesaid crime on 1.9.2023. Since then he is behind bar.

3. Learned advocate appearing for the applicant would submit that the applicant has been falsely implicated. Investigation in the matter is complete and charge-sheet is filed. Further detention of the applicant would not be necessary.

4. Learned A.P.P. as well as learned advocate appearing for the victim-complainant strongly opposes the prayer. They would point out that the applicant resides in the same area where the victim and informant are residing. Further the applicant was absconding for about six months. Hence, they opposed enlargement of the applicant on bail.

5. Having considered the submissions advanced, apparently, there are allegations against the applicant, who is neighbour of the victim. However, now investigation is complete. Charge-sheet is filed. There are no criminal antecedents against the applicant. He is behind bar for almost two months. Trial would take its own course. Hence, further detention of the applicant need not be continued. However, release of the applicant shall be subject to certain terms. Hence, the following order.

ORDER

- i. Bail Application is hereby allowed.
- ii. The applicant-RAHUL RAMESH JAPE be released on bail in connection with Crime No.243 of 2023

aaa/-

registered with Cidco police station, District Aurangabad for the offences punishable under sections 354, 354-A, 504, 506 of the Indian Penal Code and section 7,8,11,12 and 18 of the Protection of Children from Sexual Offences Act on his furnishing P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand), on the following conditions :-

- a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall not enter Aurangabad Municipal Corporation area for a period of six months, except for attending the trial or the Court proceedings.
- iii. Bail application is accordingly disposed off.
- iv. Since Advocate Mr. Thorat is appointed to represent respondent no.2 through Legal Aid, the Secretary, High Court Legal Services Authority is requested to release remuneration of the learned advocate as per rules.

(S.G. CHAPALGAONKAR)
JUDGE.

...