



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

BAIL APPLICATION NO.2077 OF 2023

UMESH @ KHANNA RAVINDRA PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. A. R. Syed, Advocate for the Applicant.
Mrs. P. J. Bharad, APP for Respondents-State.
Mr. U. A. Sayyed, Advocate for Respondent No.2.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 07th DECEMBER, 2023.**

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.458/2023 registered with Raver Police Station, Dist. Jalgaon for the offences punishable under Sections 354, 354-A, 323, 452 of the Indian Penal code and Section 8 of the POCSO Act, 2012.

2. The investigation was set in motion on the basis of information given by minor victim aged about 13 years alleging that on 30.10.2023 at about 11.00 am the accused came on motorcycle and he was staring towards her. When victim asked him to leave the place, the accused approached towards her, hugged her from backside and thereafter thrashed her in the house. Further he sexually molested her, then left the home. Based on the aforesaid information, Crime No.458/2023 has been registered with the Raver Police Station for the offences punishable under Sections 354, 354-A, 323, 452 of the Indian Penal code and Section 8 of the POCSO Act, 2012. The applicant has been arrested on 31.10.2023. Since then, he is behind the bar.

His prayer for grant of bail has been rejected vide order dated 06.11.2023.

3. Mr. Syed, learned Advocate appearing for the applicant would submit that the applicant has been falsely implicated in the aforesaid offence because of some misunderstanding with the victim. He would submit that the applicant is behind the bar for more than five weeks. The investigation in the matter is practically over. Further detention of the applicant would not be necessary.

4. The learned APP strongly opposes the prayer for grant of bail. She would submit that the allegation in the FIR clearly stipulates the ingredients of the offence charged. The victim is a minor girl. The applicant is married person aged about 37 years. She would further point out that there are criminal antecedents against the applicant. Hence, she urges to reject the application.

5. The learned Advocate appearing for the complainant on instructions submits that mother of the victim is present in the Court and she has no objection if the prayer for grant of bail is considered.

6. Having considered submissions advanced, apparently there are allegations in the FIR constituting the aforesaid offence. All the offences alleged are punishable with the imprisonment upto 7 years. The applicant is behind the bar for more than five weeks. The investigation in the matter is practically over. The statements of all the witnesses are already recorded. Even the statement of the victim under Section 164 of the Criminal Procedure Code is recorded. Therefore, further detention of the

applicant would not be necessary. However, since it is pointed out that there are criminal antecedents, it would be appropriate to release the applicant on bail subject to stringent conditions. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Umesh @ Khanna Ravindra Patil, be released on bail in Crime No.458/2023 registered with Raver Police Station, Dist. Jalgaon for the offences punishable under Sections 354, 354-A, 323, 452 of the Indian Penal code and Section 8 of the POCSO Act, 2012 on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:
 - a. The applicant shall not tamper with the prosecution evidence in any manner.
 - b. The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 am to 02.00 pm till filing of the charge-sheet.
 - c. The applicant shall not enter village Morgaon (Kh.), Tq. Raver, Dist. Jalgaon for the period of six months from the date of his release.
 - d. The applicant shall not indulge himself in any crime.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE