



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

1010 BAIL APPLICATION NO. 96 OF 2024

GOVIND VITTHAL BADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. A. S. Agarkhedkar & Mr. Sitaram R. Chavan.

APP for Respondent/State : Mr. Satish A. Gaikwad.

Advocate for Respondent No.2 : Ms. Anjali Bangar, h/f Mr. Sachin B. Munde.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 15th February, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.501 of 2023, registered with Pachod Police Station, District Aurangabad, the offences punishable under Sections 354-A, 354-D and 506 of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

3 It is averred in the report that the daughter of informant is 13 years old and studying in 9th standard. The applicant was continuously pursuing her. He used to send messages to her and he found while caught holding her hand on 14th December, 2023,

backside of the house in the agricultural land. Therefore, the victim child made hue and cry and thereafter, the report was lodged on 16th December, 2023.

4 The learned counsel for applicant submitted that the applicant is falsely implicated in the crime. There was love affair between the applicant and the victim child. They were sending WhatsApp messages regarding their love affair. The screenshots of WhatsApp messages are also placed on record. The learned counsel for applicant submitted that the applicant will abide all the conditions and will not indulge in such activities again. It is lastly prayed to allow the application.

5 The learned APP for the State and the learned counsel for respondent No.2 strongly opposed the application and pointed out the statement of victim child recorded under Section 164 of the Code of Criminal Procedure, in which the victim has expressed her fear that this applicant has threatened to defame her by displaying her photographs and messages to others. The learned APP for the State submitted that the possibility of commission of same nature of offence in the form of harassment to the victim child cannot be ruled out. It is lastly prayed to reject the application.

6 Perused the report, particularly, the statement of victim

child recorded under Section 164 of the Cr.P.C. and the WhatsApp chatting. The WhatsApp chat shows that the applicant and the victim child had sent messages to each other, which show that there was love affair between them. The applicant has roots in the society. He will not flee away from the trial. The trial will take long period. Considering the nature of crime and punishment prescribed for the crime and the fact that there was love affair between the applicant and the victim child, the application deserves to be allowed on certain stringent conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.501 of 2023, registered with Pachod Police Station, District Aurangabad, the offences punishable under Sections 354-A, 354-D and 506 of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant and his family members shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant and his family members shall not tamper with the prosecution evidence, in any manner.
 - c) The applicant shall not indulge in similar activities again.
 - d) The applicant and his family members shall not keep any

kind of contact with the victim child and her family members.

- e) The applicant and his family members also shall not send any message or photographs to anybody.
- f) The applicant shall not enter into village Kekatjalgaon, Taluka Paithan, District Aurangabad, till conclusion of trial.
- g) As far as photographs and messages are concerned, if the mobile handset of the applicant is not seized by the investigating officer, the applicant is directed to handover that mobile handset to the investigating officer.
- h) If the applicant commits breach of any of the above conditions, the Trial Court is at liberty to proceed against the applicant for cancellation of his bail without reference to this Court.
- i) The learned counsel for respondent No.2 submits that there is data of alleged messages sent by the applicant and the victim child to each other and her photographs etc. The concerned investigating officer shall forthwith seize that data from the family members or relatives of this applicant. For that, the investigating officer may take help of cyber crime bureau and check the mobile handset etc. of the applicant.

7 The learned APP to communicate the concerned investigating officer for the above directions. Hamdast allowed.

[SANJAY A. DESHMUKH, J.]