



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 BAIL APPLICATION NO. 201 OF 2024

Ravindra Suklal Bhagwat

..APPLICANT

-VERSUS-

1. The State of Maharashtra
2. XYZ

..RESPONDENTS

...
Advocate for Applicant : Mr. Madake Datta A.
APP for Respondent/State: Mr.Mukesh K. Goyanka
Advocate for Respondent No.2 : Mrs.R. V. Ghule

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 28th FEBRUARY, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No. 614 of 2023 registered with MIDC Police Station, District Jalgaon, for the offences punishable under Section 354 of the Indian Penal Code and Sections 9 and 10 of the Protection of Children from Sexual Offences Act.

2. It is averred in the report that the applicant is uncle of the prosecutrix, who is 12 years old girl. He used to visit her house and he used to frequently touch her private part, breast and back. Once he has shown his private part to her. That happened frequently. On

25.08.2023, the said fact was noticed by the informant. Thereafter the report was lodged on the same day.

3. The learned advocate for the applicant submitted that the applicant is behind bar since the month of August, 2023. He has roots in the society. He will not flee away from trial. Trial would take long period.

4. The learned APP for respondent/State and learned advocate for respondent no.2 – informant strongly opposed the application and pointed out the statements of the witnesses and the prosecutrix were recorded before the learned Judicial Magistrate, First Class under section 164 of the Criminal Procedure Code. It is submitted that considering the serious nature of the crime, the application be rejected.

5. Perused the FIR and charge-sheet. Report shows that alleged incident took place in the house of victim girl, who is 12 years old, however, without adverting to the merits of the case, considering the nature of the crime and punishment prescribed for it, the application deserves to be allowed as the applicant has roots in the society. Trial would take long period. The applicant will not flee away from the trial. His presence can be secured for the trial. The

application deserves to be allowed on certain stringent conditions.

Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 614 of 2023 registered with MIDC Police Station, District Jalgaon, for the offences punishable under Section 354 of the Indian Penal Code and Sections 9 and 10 of the Protection of Children from Sexual Offences Act, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses.
 - b) The applicant shall not enter into entire village Primprala, Tq. & Dist. Jalgaon till the decision of the trial.
 - c) The applicant shall not visit and meet the victim child and the witnesses.
- III. If any breach of the above conditions is noticed by the trial Court, on the application of the informant or the prosecution the trial Court is at liberty to cancel the bail without reference to this Court.

(SANJAY A. DESHMUKH, J.)