



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 BAIL APPLICATION NO. 256 OF 2024

Ganesh Kailas Dale

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Yogesh B. Bolkar h/f Mr. Akshay S. Radikar

APP for Respondent No.1: Mrs. Pratibha J. Bharad

Advocate for respondent No.2 : Mr. Vijay B. Jagtap

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 16th APRIL, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 243 of 2023 registered with Kannad police station, District Chhatrapati Sambhajinagar (Aurangabad) for the offences punishable under Sections 354, 354-A, 452, 506 of the I.P.C. and under Section 12 of the Protection of Children from Sexual Offences Act. His application with similar prayer below Exh.7 in Special Case No. 512 of 2023 came to be rejected by the learned Special Judge (POCSO Act), Chhatrapati Sambhajinagar, vide order dated 22.1.2024.

2. It is averred in the report by the informant, who is 15 years old girl child that on 16.10.2023 at about 7.00 p.m. the applicant had been to her house. Nobody was there in the house. Her mother was

at the backside of the house. The informant questioned him as to why he came there. He said her to listen him. Thereafter, he threatened her that if she is not marry with him, he will die. Thereafter, he ran away. Earlier to this incident, the applicant gave trouble to the informant and committed sexual assault on her frequently. Therefore, crime was registered against him in POCSO Act etc.

3. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. He had not done any overt act. He is released on bail by the trial court in Special case and accordingly Special Case No. 512 of 2023 is pending before the Additional Sessions Judge at Aurangabad. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State and the learned advocate representing respondent No.2 strongly opposed the application and submitted that the applicant has committed serious crime and the applicant is trying to pressurize the informant and therefore, he went there. He had committed breach of the condition of bail which was granted to him earlier. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly report and the statement of witnesses. The applicant has roots in the society, he

will not flee away from the trial, the trial will take a long time. Considering all these aspects, the applicant is certainly entitled for bail in view of the principle that the bail is rule and jail is exception. The application therefore, deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 243 of 2023 registered with Kannad police station, District Chhatrapati Sambhajinagar (Aurangabad) for the offences punishable under Sections 354, 354-A, 452, 506 of the I.P.C. and under Section 12 of the Protection of Children from Sexual Offences Act, be released on bail on furnishing personal bond of Rs.25,000/- 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 witnesses, in any manner.
 - b) The applicant shall not enter into village Chikalthana, Tq. Kannad, district Aurangabad, till the conclusion of trial.
 - c) The applicant shall deposit an amount of Rs.25,000/- in the trial court, which shall be confiscated if the applicant commits breach of the conditions imposed by this court.
 - d) The trial court is directed to keep the said amount of

Rs.25,000/- in a fixed deposit, in any Nationalized Bank till the conclusion of trial and on conclusion of trial, the said amount be repaid to the applicant, with interest if any, if the applicant does not commit any breach of the above conditions.

(SANJAY A. DESHMUKH, J.)

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