



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 BAIL APPLICATION NO. 277 OF 2024

Ajim Suleman Ansari @ Mohammad Ajim S/o. Mohammad Suleman
Ansari

VERSUS

The State of Maharashtra and another

Advocate for Applicant : Mr. Dnyaneshwar R. Kale

APP for Respondent No.1: Mrs. Deepali S. Jape

Advocate for Respondent No.2 : Ms. Pooja K. Apache

.....

CORAM : SANJAY A. DESHMUKH, J.
DATED : 14th MARCH, 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. 1350 of 2023 registered with Kotwali police station, District Ahmednagar, for the offences punishable under Sections 323, 354-A, 504 of the I.P.C. and sections 8 and 12 of the Protection of Child from Sexual Offences Act. His application with similar prayer below Exh.3 in Special Case No. 323 of 2023 came to be rejected by the learned Additional Sessions Judge, Ahmednagar vide order dated 25.1.2024.

2. The applicant is father of 13 years old girl. She lodged a report against him that she is staying with her step mother and when she used to sleep alone in her house, her father used to tease her and outrage her modesty by touching to her body with sexual intention.

Initially, she did not disclose that fact to anybody but when it continued, even after shifting her residential house, accused continued to outrage her modesty, therefore, the report was lodged.

3. Learned advocate for the applicant submitted that the applicant has roots in the society, he will not flee away from the trial, the trial will take a long period. The applicant is ready to follow the directions of this Court. The charge sheet is submitted. Learned advocate lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application. Learned advocate for respondent No.2 also strongly objected the application and submitted that the applicant is booked in a serious crime of outraging the modesty of 13 years old child in his house. It is difficult for the victim child to protect herself from the applicant if he is released on bail. The applicant will pressurize the witnesses. Considering serious nature of the crime, she prayed for rejection of the application.

5. Perused the charge sheet, particularly the report. The statements of witnesses are recorded and the spot panchanama is drawn. Considering nature of the crime and facts and circumstances of the case and fact that the applicant has roots in the society he will not flee away from trial, the trial will take a long period, the application 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. 1350 of 2023 registered with Kotwali police station, District Ahmednagar, for the offences punishable under Sections 323, 354-A, 504 of the I.P.C. and sections 8 and 12 of the Protection of Child 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 visit the victim child in any manner.
 - c) The applicant shall not enter into Ahmednagar city except on the dates fixed by the court for hearing of the case and that too upto the premises of the court.
6. The fees of learned advocate appointed to represent the cause of respondent No.2 be paid as per the Rule and Schedule of fees maintained by the High Court Legal Services Sub committee, Aurangabad.

(SANJAY A. DESHMUKH, J.)