



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 BAIL APPLICATION NO. 323 OF 2024

Akshay Navnath Pawar

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. R.V. Gore

APP for Respondent/State : Mr.Mukesh K. Goyanka

CORAM : SANJAY A. DESHMUKH, J.

DATED : 20th MARCH, 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.0348 of 2023 registered with Police Station, Paithan, Tq. Paithan, Dist.Aurangabad, for the offences punishable under sections 354-A, 354-B, 354-D, 452, 323, 504, 506, 509 of the Indian Penal Code.

2. The informant averred in the report that she had taken divorce from her husband and is residing with her son and daughter. Since the applicant was residing in front of her house, they acquainted with each other. He initially used to talk with her properly but thereafter he started stalking informant with bad intention. That time, she did not lodge report against him. Thereafter, he started to

knock the door of house of informant in the night. He used to throw stones on her house. He used to make various faces in order to frighten her daughter. Thereafter, the informant lodged the report and also tried to convince him. For two times, N.Cs. were registered against him. On 27.11.2023, at about 6.30 p.m., when the informant was alone in her house, the applicant went there and caught hold her from the back side with bad intention and told that he likes her. She pushed him back but again he tried to come close to her. When she push him back then applicant abused her in filthy language and tore her top. Therefore, the report was lodged after two days on 29.11.2023.

3. The learned advocate for the applicant submitted that there is earlier enmity between the applicant and informant, who is handicapped. He is falsely implicated in the crime. Charge-sheet is submitted. The applicant will not flee away from the trial. Trial will take long period. Considering quantum of punishment to be awarded for the offence for which the applicant is charged, he prayed for granting bail.

4. The learned APP for the respondent-State has strongly opposed the application and submitted that the applicant is involved in the serious crime. He had continuously stalked and harassed the informant and thereafter he had committed serious overt act of toring her top. Considering this important aspect, it is lastly prayed to reject

the application.

5. Perused the charge-sheet, particularly the report and statements of the witnesses. The applicant is also prosecuted under section 324 etc. of IPC. Further two N.Cs were registered against the applicant. However, without adverting into the merits of the case and by considering the fact that the applicant is handicapped, he has roots in the society, he will not flee away from the trial, trial will take long period, there is delay of one day caused for lodging the report, the applicant has certainly made out a case for granting bail on the principle that the bail is rule and jail is exception, the application, therefore, 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.0348 of 2023 registered with Police Station, Paithan, Tq. Paithan, Dist.Aurangabad, for the offences punishable under sections 354-A, 354-B, 354-D, 452, 323, 504, 506, 509 of the Indian Penal Code, 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 pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.

- b) The applicant shall not enter in Paithan (not entire Taluka) till the conclusion of the trial, except the dates fixed for hearing of this case or other case.
- c) The applicant shall not indulge in such activities, hence forth and shall not any way contact with the informant and her family members.

III) If any breach of the above conditions is noticed by the trial Court, the trial Court is at liberty to proceed against the applicant for cancellation of his bail without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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