



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

944 BAIL APPLICATION NO. 334 OF 2024

GOVIND MANIK DASALKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Rajendra Vitthalrao Dasalkar.
APP for Respondent/State : Mrs. Pratibha J. Bharad.
Advocate for Respondent No.2 : Mr. G. B. Patunkar. (Appointed).

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

DATE : 21st March, 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.5 of 2024, registered with Selu Police Station, District Parbhani, for the offences punishable under Sections 354-A, 323, 294, 504 and 506 read with 34 of the Indian Penal Code and under Sections 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3 It is averred in the report by 17 years old informant that she belongs to Bodh community. She went to the agricultural land for fetching water. That time, the applicant caught hold her hand and said

her that he will pay Rs.5,000/-. He also said her that if she sleeps with him, there will be no pains. That time, he abused her on her caste by saying that “तुम्ही महारडे खूप माजलात”. The informant came back to her house. Thereafter, at about 11:00 am she received phone call from one Santosh Kavde, at that time, Prakash Rajabhau Gat and Gopal Parmeshwar Gayke were saying on that phone as to where she is. That time, she disconnect the phone. Thereafter, the applicant and his relatives were frequently making phone calls and harassing her by saying that she is "मोकार" and "छिन्हाल". Therefore, the report was lodged on 3rd January, 2024.

4 The learned counsel for applicant submitted that charge-sheet is filed. The practical investigation is over. The applicant has roots in the society. He will not flee away from the trial. He will not pressurize the prosecution witnesses. It is lastly prayed to allow the application.

5 The learned APP for the State and the learned appointed counsel for respondent No.2 strongly opposed the application and submitted that the applicant is involved in serious crime. The possibility of harassing the informant and her relatives again and again cannot be ruled out. Considering all these reasons, it is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the statements of witnesses. The practical investigation is over. The trial will take long period. The applicant has roots in the society and he will not flee away from the trial. Therefore, apart from the merit, considering the peculiar set of facts, 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.5 of 2024, registered with Selu Police Station, District Parbhani, for the offences punishable under Sections 354-A, 323, 294, 504 and 506 read with 34 of the Indian Penal Code and under Sections 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, be released on bail on furnishing personal bond of Rs.25,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.
 - c) The applicant shall not enter into village Hissi, Taluka Selu, District Parbhani, till the conclusion of trial, without prior permission of the Trial Court.

- d) If any breach of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to proceed further for to cancel the bail of this applicant without reference to this Court.

[SANJAY A. DESHMUKH, J.]

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