



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

10 BAIL APPLICATION NO. 389 OF 2024

SATISH GANGADHAR MAHADIK
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Ms. Pradnya Talekar, i/b Talekar And Associates.

APP for Respondent/State : Mr. Satish A. Gaikwad.

Advocate for Respondent No.2 : Ms. Sunita G. Sonawane. (Appointed).

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

DATE : 29th April, 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.542 of 2023, registered with Shivaji Nagar Police Station, District Beed, for the offences punishable under Sections 377, 354 and 506 of the Indian Penal Code, under Sections 6, 8, 10 and 12 of the POCSO Act and under Sections 3(2)(v)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 2015.

3 It is averred in the report by the officer of observation / children home situated at Beed that the applicant took disadvantage of the age of victim child and committed rape on them. The first child is 8

years old and three children are 11 years old. The children were sexually abused by the applicant by taking the disadvantage. He committed sexual intercourse with them and therefore, report was lodged against him.

4 The learned counsel for applicant submitted that the applicant is falsely implicated in the crime. He is at the verge of retirement. He has no criminal antecedents. The trial will take long period. Custody of the applicant is not necessary. He has roots in the society. 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. Heinous crime is committed by the applicant. The statement of informant and other witnesses show that the incident took place in the house of applicant and some other places also. The applicant is a clerk and the responsible man of more than 56 years old. Considering the serious and antisocial nature of the crime, it is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the statements of witnesses. There is delay of 9 days caused for lodging the report. The alleged incident took place on 1st October, 2023 and

the report was lodged on 9th October, 2023. The medical examination of the victim child shows no injury. Delay caused for lodging the report is not explained. The applicant has roots in the society. He has no criminal antecedents. Custody of applicant is not necessary. The trial will take its own time for conclusion and decision. To keep the applicant behind bars in such fact situation is not justifiable on the principle that bail is rule and jail is exception. Considering all these aspects, 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.542 of 2023, registered with Shivaji Nagar Police Station, District Beed, for the offences punishable under Sections 377, 354 and 506 of the Indian Penal Code, under Sections 6, 8, 10 and 12 of the POCSO Act and under Sections 3(2)(v)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 2015, be released on bail on furnishing personal bond of Rs.50,000/- 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 Beed city, till the conclusion of trial, without prior permission of the Special Court, except the dates fixed by the Court for hearing of this case.

7 If breach of any of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to cancel the bail of this applicant without reference to this Court.

8 The fees of Ms. Sunita Sonawane, learned appointed counsel be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules and schedule.

[SANJAY A. DESHMUKH, J.]

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