



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 BAIL APPLICATION NO. 395 OF 2024

Rahul Dipak Chavan

..APPLICANT

-VERSUS-

1. The State of Maharashtra
2. XYZ

..RESPONDENTS

Advocate for Applicant : Mr. Rathod Sandip P.

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

Advocate for respondent no.2 : Mr. Jadhav Kiran D.

...
CORAM : SANJAY A. DESHMUKH, J.
DATED : 2nd APRIL, 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.77 of 2024 registered with CIDCO Police Station, Aurangabad, for the offences punishable under sections 354, 354(D) and 323 of the Indian Penal Code read with sections 7, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is averred in the report that the applicant went to the school of the daughter of the informant, who is 15 years old. He after caught holding her hand dragged her. That time, the applicant assaulted the informant. When she inquired with her daughter, she said that he touched her breast and he is frequently trying to visit her

since one month. Therefore, the report was lodged.

3. The learned advocate for the applicant submitted that the applicant is student of B.A. Ist year. His examination has been started today. He is 19 years old. He is falsely implicated in the crime. Considering the fact that practical investigation is over. It is lastly prayed to grant bail to the applicant.

4. The learned APP for the respondent/State strongly opposed the application. The learned advocate representing respondent no.2 strongly opposed the application and submitted that the applicant is involved in the serious crime. If he is released on bail, he will certainly pressurize the prosecution witnesses. It is lastly prayed to reject the application.

5. Perused the papers of investigation, particularly the report and statement of daughter of the informant, who is 15 years old. She has stated that she had friendship with the applicant and it is objected by her parents. Her mother beaten the applicant in front of the school when he met with her daughter, who was having keys of the motorcycle with her. Considering the facts and circumstances of the case, the applicant has roots in the society, practical investigation is over, the applicant's examination of B.A. Ist year is scheduled from today, the application deserves to be allowed on the principle of bail is rule and jail is exception, on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No.77 of 2024 registered with CIDCO Police Station, Aurangabad, for the offences punishable under sections 354, 354(D), and 323 of the Indian Penal Code read with sections 7, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 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 pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
 - b) The applicant shall not enter in the area of Navnath Nagar and school area of the daughter of informant i.e. S.B.O.S. Public School, N-11 till the conclusion of the trial.
- III. If any breach of the above condition is noticed by the trial Court, the trial Court is at liberty to cancel the bail granted to this applicant without further reference to this Court.
- IV. The jail authority, Aurangabad jail is directed to ensure that the applicant shall attend the examination scheduled on tomorrow at 11.45 a.m. and complete the process of release him as early as possible so that the applicant shall attend the examination.
- V. The parties to act upon authenticated copy of this order.

(SANJAY A. DESHMUKH, J.)