



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 BAIL APPLICATION NO. 498 OF 2024

1) Sanjay Trimbak Avhad
2) Adinath s/o Sanjay Avhad

VERSUS

The State of Maharashtra and others

Advocate for Applicant : Mr. Sandip R. Andhale
APP for Respondents 1 and 2: Mr. Satish A. Gaikwad
Advocate for Respondent No.3 : Mr. S.E. Shekade

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 25th APRIL, 2024.

PER COURT :-

1. Leave to correct the name of applicant No.2. Correction be carried out forthwith.

2. 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. 151 of 2024 registered with M.I.D.C. police station, District Ahmednagar for the offences punishable under Sections 354, 323, 504, 506 r.w. 34 of the I.P.C. and under Sections 8 and 18 of the Protection of Children from Sexual Offences Act, 2012. Their application with similar prayer bearing criminal bail application No. 191 of 2024 came to be rejected by the learned Additional Sessions Judge (Court No.3) Ahmednagar, vide order dated 7.3.2024.

3. It is averred in the report that in the night of 16.2.2024, at about 9.30 p.m. the informant-prosecutrix, who is 14 years old girl when went to attend the natures call in a bathroom nearby to her house, at that time, the applicants went there and dragged her. Applicant No.2 Adinath, who is 18 years old boy, embraced her. She made hue and cry. The informant's mother and grand father came there. Applicant No.1 abused and beaten her mother by holding her hairs, in which the mother of the informant fell down. Therefore, the report was lodged on the second day.

4. Learned advocate for the applicants submitted that earlier to this incident, a report was lodged against the father of the informant in which accused No.3 is the father of the victim in that C.R. No. 801 of 2023 dated 28.8.2023. The applicants are falsely implicated in the crime. He lastly prayed to allow the application.

5. Learned A.P.P. for the respondent-State and learned advocate for respondent No.2 strongly opposed the application and submitted that the applicants are involved in serious crime. They are not entitled for bail. It is lastly prayed to reject the application.

6. Perused the papers of investigation, particularly the report and the statements of witnesses. It appears that between the families of the applicants and the informant, there is earlier enmity. Therefore, there is possibility of false implication. However, without

entering into the merits of the case and considering the facts and circuitousness the present case, the applicants deserve to be released on bail on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicants in connection with crime No. 151 of 2024 registered with M.I.D.C. police station, District Ahmednagar for the offences punishable under Sections 354, 323, 504, 506 r.w. 34 of the I.P.C. and under Sections 8 and 18 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on furnishing personal bond of Rs.15,000/- each with one surety each of the like amount on following condition:-
 - a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

(SANJAY A. DESHMUKH, J.)

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