



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

2 BAIL APPLICATION NO. 529 OF 2024

VILAS SHIVAJI KAWLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Suraj R. Bagal, h/f Mr. B. N. Gadegaonkar.
APP for Respondent/State : Mrs. Pratibha J. Bharad.
Advocate for Respondent No.2 : Mr. Nilesh Bhagwat. (Appointed).
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 06th May, 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.10 of 2024, registered with Umri Police Station, District Nanded, for the offences punishable under Sections 354 and 452 of the Indian Penal Code and under Sections 8 and 12 of the POCSO Act.

3 It is averred in the report by the informant of 15 years old girl child that the applicant made phone call to her and also threatened her. On 5th January, 2024 at about 11:00 am, the applicant entered into her house, caught hold her, pressed her breast and touched other

parts of her body. When the informant made hue and cry, the applicant ran away. The informant told that fact to her parents and the report was lodged.

4 The learned counsel for applicant submitted that the applicant is behind bars since more than three months. He has roots in the society. He will not flee away from the trial. The trial will take long period. Custody of the applicant is not necessary. 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 the serious crime. He entered into the house of the informant and committed serious offence punishable under Sections 354 and 452 as well as the offences punishable under Sections 8 and 12 of the POCSO Act. Considering the overt acts of the applicant, it is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and spot *Panchanama*. Apart from merits and nature of the crime, the applicant has roots in the society and the trial will take long time, on certain stringent conditions the applicant deserves to be released on bail. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.10 of 2024, registered with Umri Police Station, District Nanded, for the offences punishable under Sections 354 and 452 of the Indian Penal Code and under Sections 8 and 12 of the POCSO 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 Kudla, Taluka Umri, District Nanded, till the conclusion of trial.
- III. 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.
- IV. The fees of Mr. Nilesh Bhagwat, appointed counsel be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules and schedule.

[SANJAY A. DESHMUKH, J.]