



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1034 OF 2024

SUNIL GULAB GANGAWANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Rajendrraa Deshmukh, Senior
Advocate along with Ms. Rakshanda Jaiswal Advocate, instructed
by Mr. Deshmukh Devang Rajendrraa
APP for Respondent No.1 : Mr. S. B. Narwade
Advocate for Respondent No.2 : Mr. Jitendra S. Jain /
Mr. Sandeep Andhale (Appointed) (discharged)
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CORAM : S. G. MEHARE, J.

DATE : 25-07-2024

PER COURT :-

1. After appointing the lawyer from the legal services authority, the victim has engaged private lawyer. Hence, appearance of Mr. Andhale, learned counsel for respondent No.2 stands discharged.
2. Heard the learned senior counsel for the applicant, the learned A.P.P. for respondent No.1 and the learned counsel for respondent No.2.
3. The applicant seeks bail in C.R.No. 60 of 2024 registered with Sonai Police Station, District Ahmednagar, for the offences punishable under Sections 376(2), 376(2)(j), 376(2)(n), 376-A,B, 354, 354A read with Section 34 of the Indian Penal Code and Sections 4, 5(f), 5(l), 5(m), 6, 7, 8, 9(f), 9(l), 9(m), 10, 11, 12 and

18 of the Protection of Children from Sexual Offences Act, 2012.

4. The applicant is Pastor in Church. The prosecution case in brief is that the applicant and other co-accused used to call the family of the victims for treatment ailment in Church regularly. The applicant was offering chocolate paying some amount to the victims. On the day of the incident, the victims had gone to Church, at that time, another Pastor did sexual assault by penetrating the finger into private part of the victims. One of the neighbour agriculturists noticed that one 80 years person was committing wrong with a girl of 10 years near toilet of the Church. He took video of the incident in his mobile. The prosecution relied upon the statements of the victims under Section 161 and 164 of the Code of Criminal Procedure.

5. Learned counsel for the applicant argued that there are no specific allegations against the applicant. He was barely blessing the girl by moving his hands on their back. He never had ill intention to commit anything wrong. The statements of the victim about the role attributed to the applicant are inconsistent. The applicant is languishing in jail since February, 2024. The investigation has been completed. Therefore, his further detention would serve no purpose.

6. Learned A.P.P. and the learned counsel for the victims have strongly opposed the application. They submit that the victims

were only 10 and 11 years old children. The applicant won their confidence by calling them to the Church from time to time and offering them Chocolate and money. The prosecution has a material to show that the applicant committed sexual assault with the victims. The offence is serious. Hence, bail may not be granted.

7. Perused the papers, particularly, the statement of the victim.

8. Reading their statements there is prima facie scope to form two opinions. The role attributed to the applicant requires to be appreciated on merit. It is an heinous act but considering the allegations against him, the detention of the applicant would not serve the purpose. The applicant has not been captured in video. Under these circumstances, if bail is granted there shall be no harm to the prosecution. However, certain stringent conditions may be imposed on the applicant. Hence, the order :-

ORDER

- i) The application is allowed.
- ii) Applicant Sunil Gulab Gangawane be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.

- (b) He shall not contact any witness and the victim in any mode or manner till the conclusion of the trial.
- (c) The applicant and the church authority is injected from calling any woman or any girl to the Church, except they voluntarily come, for treatment or the mass prayer till the trial is concluded.
- (d) He shall stop assuring any treatment about the health to any individual/person coming to him.
- (e) He shall attend the trial on each and every date.
- (f) He shall not enter village Savedi, Ahmednagar, till the trial is concluded.

(S. G. MEHARE)
JUDGE

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