



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

950 BAIL APPLICATION NO. 1200 OF 2024

VISHNU JAGANNATH RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Apparao Bhimrao Kharosekar.

APP for Respondent-State : Mr. S. P. Sonpawale.

Advocate for Respondent No.2 : Mr. H. P. Jadhav ( Appointed  
Through Legal Aid ).

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CORAM : S. G. MEHARE, J.

DATE : 07.08.2024

**PER COURT :-**

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the victim.

2. The applicant seeks bail in Crime No.135 of 2023, registered with Dindrud Police Station, District Beed, for the offences punishable under Sections 354, 354-A, 506 of the IPC and Sections 8 and 12 of the POCSO Act.

3. The applicant has a case that the victim was voluntarily went with him on his bike, as she wanted to go to another village. Her parents were also knowing that the applicant was taking the victim to another village. However, in the mid way,

she fell down from the bike and started weeping. So, he made a phone call to her parents. Her parents sent a boy and he took her with him. The allegations of molestation are false. Since she was apprehended, he disappeared. However, during that period, he did not threat the victim and her relatives. No weapon is used in the crime. Nothing is to be recovered from him. He is languishing in jail from 26.05.2024.

4. Learned APP and learned counsel for the victim have strongly opposed the application. They would argue on the conduct of the applicant. He has molested a small girl of 14 years old under the pretext of leaving her to another village. The offence is serious. Considering his conduct, he may not attend the trial or tamper with the prosecution witnesses. Hence, bail may not be granted.

5. The story of the applicant of falling the victim from his bike has been corroborated by the medical evidence of the victim. Immediately, he made a phone call to her parents stating that she is not coming with him to another village. Thereafter, the parents sent one boy and he took her back. Taking the facts into consideration and the way in which the alleged incident happened, the Court is of the view that no purpose would be served by keeping him behind bar. No

weapon has been used in the offence. The apprehension of the prosecution may be guarded by imposing certain conditions.

Hence, the following order :

### **ORDER**

- (i) Bail Application is allowed.
- (ii) Applicant **VISHNU JAGANNATH RATHOD** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
  - (a) He should not tamper with the prosecution witnesses.
  - (b) He should not contact the victim or any relative.
  - (c) He should attend the trial on each and every date without fail except the exceptional circumstances.
  - (d) He should furnish the undertaking before the Court that he would not leave village without leave of the Trial Court till the trial is concluded.
  - (e) He should furnish his cell phone number with the Trial Court with an undertaking

that he will not change it till the trial is concluded.

- (iii) The Secretary, High Court Legal Services, Sub-Committee, Aurangabad do pay the legal fees to advocate Mr. Jadhav as per the schedule.

**(S. G. MEHARE, J.)**

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vmk/-