



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

BAIL APPLICATION NO. 1233 OF 2024

JITENDRA KASHINATH SURADKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Rahul M. Jade
APP for Respondent : Mr. S. N. Pulkundwar
Advocate for Respondent No.2 : Mr. Ashok Mundhe
(appointed Through Legal Aid); Mr. Dipak K Borkar (discharged)

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CORAM : S. G. MEHARE, J.

DATE : 14-08-2024

PER COURT :-

1. The appearance of Mr. D. K. Borkar, learned counsel for respondent No.2 stands discharged.
2. Heard the learned counsel for the applicant, the learned A.P.P. for respondent No.1 and the learned counsel for respondent No.2/victim.
3. The applicant seeks bail in C.R.No.0388 of 2024 registered with CIDCO Police Station, Aurangabad (City), for the offence punishable under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.
4. The learned counsel for the applicant submits that there was inordinate delay of 41 days in lodging the report. No incident as alleged was happened. Nothing is recovered from him. He has been falsely involved in the crime due to family disputes. The material investigation has been completed against him. Hence, he may be released on bail.

5. The learned A.P.P. and the learned counsel for the victim have strongly opposed the application. They submit that the offence is serious. He may harm to the life of the child. The offence is against the child. Hence, bail may be rejected.

6. Perused the papers.

7. Admittedly, the first information report has been delayed by 41 days. There was no use of weapon. Nothing is to be recovered from the applicant. No purpose would be served by keeping the applicant behind bar. Hence, the order:-

ORDER

- i) The application is allowed.
- ii) Applicant – Jitendra Kashinath Suradkar 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 should not tamper with the prosecution witnesses.
 - (b) He should attend the police station as and when called by the Investigating Officer on a written notice till filing chargesheet.
- iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad, do pay the fee to the learned counsel appointed for respondent No.2/victim as per the schedule.

(S. G. MEHARE, J.)