



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1462 OF 2024

PRASHANT DATTATRAY GIREWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. S. B. Surse, Advocate for the applicant
Ms. V. S. Choudhari, APP for respondent no.1/State
Ms. Nirmala Helkute, Advocate for respondent no.2.

CORAM : S. G. MEHARE, J.

DATE : 18th SEPTEMBER, 2024

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondent no.1 and the learned counsel for respondent no.2.
2. The applicant seeks bail in Crime No.0058/2024 registered with CIDCO Police Station, District Aurangabad for the offences punishable under Sections 354, 354A, 323, 504, 506 of the Indian Penal Code and Sections 7, 8 and 10 of the Protection of Children from Sexual Offences (POCSO) Act.
3. Learned counsel for the applicant submits that no incident as such took place. However, the victim was instigated to lodge the report. In her statement under Section 164 of the Code

of Criminal Procedure, she told a new story exonerating the applicant from the allegations of outraging her modesty. The applicant is the stepfather of the victim. There was a quarrel on account of party in the house. Thereafter, his wife and the victim left the home.

4. Though the learned APP and the learned counsel for the victim have strongly opposed the application, based upon the nature of the incident. The statement of the victim under Section 164 of Cr.P.C. is apparently new. Two contradictory statements of the victim made the situation doubtful. No weapon has been used in the crime. Hence, in the circumstances, the applicant deserves bail. Hence, the order:-

ORDER

i) The application is allowed.

ii) Applicant – Prashant Dattatray Girewad 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 trial on each and every date.

(c) He should not enter the home where the victim and her

mother is presently residing for three months from the date of his release.

(d) He should himself keep away from the victim to the trial is concluded.

iii) The Secretary, High Court Legal Services Authority, Sub Committee, Aurangabad do pay the legal fees to Advocate Ms. Nirmala Helkute as per the schedule.

(S. G. MEHARE, J.)

ssp