



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 BAIL APPLICATION NO. 1478 OF 2024

VIJAY RAMDAS RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Surse Sunil B.

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

Advocate for Respondent No.2 : Mr. Rathod Sandip P

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CORAM : S. G. MEHARE, J.

DATE : 27.09.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for Respondent No.2/victim.

2. The applicant seeks bail in Crime No.26 of 2024, registered with M.I.D.C. Waluj Police Station, District Aurangabad, for the offences punishable under Sections 354, 354-A, 354-B, 323, 342 and 506 of the IPC and Sections 8 and 12 of the POCSO Act.

3. The applicant is the uncle of the victim, she was 16 years old. She made the allegations that he outraged her modesty, first time in 2023. Thereafter, he sought apology and she started talking to him. But, he again outraged her modesty on

27.11.2023. Thereafter, the report was lodged on 11.01.2024. The applicant has been arrested on 12.01.2024.

4. Learned counsel for the applicant would submit that the false allegations have been levelled against the applicant. She is the daughter of his sister-in-law. They had a dispute over one property. There is inordinate delay in lodging the FIR. Nothing is recovered from the applicant. Trial has absolutely no progress. It would take its time. Hence, he may be granted bail.

5. Learned counsel for the victim argued that there is no dispute about a plot as such. The applicant was repeatedly committing similar crime. The mother of the victim has narrated the incident to Class Teacher of the victim.

6. Learned APP read over the statement of one witness Anisha and argued that the incident continued till 08.01.2024. The offence is serious. Both are resident of the same locality. Therefore, the repetition cannot be ruled out. The victim has been seriously apprehended and now disturbed. Hence, bail may not be granted.

7. Learned counsel for the applicant submits that they are not residing in the same locality.

8. The FIR reveals that the last alleged incident was happened on 27.11.2023. The victim was silent about any other incident. However, the report is delayed by around four months. The applicant is languishing in jail for sufficient time. Nothing is to be recovered from the applicant. It seems that the trial may take its time to conclude. Considering overall facts of the case, the Court is of the view that his detention would serve no purpose. However, apprehension of the prosecution may be guarded by imposing certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **VLJAY RAMDAS 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) The applicant should not tamper with the prosecution witnesses.
 - (b) He should not enter the area where the victim is residing.
 - (c) He should not contact the victim in any mode or manner till the trial is concluded.

- (d) He should attend the trial on each and every effective date.

(S. G. MEHARE, J.)

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vmk/-