



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

28 BAIL APPLICATION NO. 1481 OF 2024

VIJAY NIVRUTTI BARDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Chapalgaonkar Shailesh S.

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

Advocate for Respondent no.2 : Mr. Shriniwas Kulkarni (Appointed Through
Legal Aid) / Mr.Mahendra G. Kochar

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CORAM : S. G. MEHARE, J.

DATE : 14th October, 2024.

P.C.:

1. The appearance of Shri Shriniwas Kulkarni, learned counsel appearing for respondent no.2 stands discharged. His name should be deleted.
2. Heard the learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the victim.
3. The applicant seeks bail in Crime No.0109 of 2024 registered with Kopargaon Rural Police Station, Tq.Kopargaon, Dist.Ahmednagar, for the offences punishable under sections 376-AB, 506 of the Indian Penal Code and sections 4 and 6 of the Protection of Children from Sexual Offences Act.
4. The prosecution case in brief is that the applicant had confined the victim in the room. She was found crying in the house of her aunt. When asked, she stated that the applicant called her promising to pay Rs.10/-. He locked the door from inside. He removed his and her clothes and slept over her body. He sexually assaulted her.
5. The learned counsel for the applicant submits that there is no material

evidence, as such, against the applicant to involve him in the crime. He has been falsely implicated in the crime. Considering the material on record is doubtful circumstances. Hence, he may be granted bail.

6. The learned APP for the respondent/State and the learned counsel for the victim submit that there is strong and material evidence against the applicant to believe that the applicant had tried a penetrative assault with a girl of seven years. His attempts to commit for such penetrative assault is punishable under the POCSO Act, as if it is a penetrative assault. The serious offence has been committed by the applicant with 7 years old girl. The offence is not only serious, but also heinous. Hence, he may not be granted bail.

7. Perused the papers.

8. There is a substance in the arguments of the learned counsel for the victim and the learned APP that she was a child of seven years old only and the applicant has committed heinous acts. Considering the gravity of the offence and the danger to the life of child, the applicant does not deserve bail.

9. For the above reasons, the application is rejected.

10. The Secretary, High Court Legal Services Sub-Committee Aurangabad do pay fees to the learned counsel appointed for victim, as per schedule.

[S. G. MEHARE, J.]