



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 BAIL APPLICATION NO. 1503 OF 2024

GAHINATH RAMDAS JAGTAP

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondent/s-State : Mr. A. S. Shinde.
Advocate for Respondent No.2 to assist APP : Mr. A. P.
Bhandari.

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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 the victim/respondent No.2.

2. The applicant seeks bail in Crime No.1252 of 2023, registered with Kotwali Police Station, District Ahmednagar, for the offences punishable under Sections 363, 377, 365 of the IPC and Sections 3 and 4 of the POCSO Act.

3. It has been alleged against the applicant that he maintained the relations with the victim boy, who was attending the temple instead of school. So after the relations were developed, the applicant committed the unnatural sex

with him for two times. The statement of the victim reveals that he was apprehended of not going to school. Hence, he ran away. His statement also reveals that the applicant did not take him. He has given the details about the stations, he went and with whom he was travelling. The prosecution has a case that the applicant is habitual and doing the same with other boys.

4. Learned counsel for the applicant would submit that the applicant used to go to the mother of the victim. In the intervening period, the parents did not inquire about the victim even on receiving the phone from the school that he was not attending the school. The applicant did commit no unnatural intercourse with the victim. The victim is a sharp boy. He was hiding the facts from his parents and same tricks are applied against the applicant. The prosecution has no corroborative evidence of medical examination. The applicant is languishing in jail since 11.11.2023.

5. Learned APP has vehemently opposed the application. He would submit that the applicant is habitual to do the unnatural sex with the males. There is no reason to disbelieve the victim. Merely visiting the mother does not exonerate him from the offence. The offence is serious. If he has been

granted bail, he would involve in the similar crime. Hence, he may not be granted bail.

6. Learned counsel for the victim boy states that appropriate orders may be passed. He also argued that the victim was found after two months after arrest of the applicant.

7. Perused the papers. The victim boy left his home as he afraid of his parents for not attending the school. He went alone. After returning, he made the allegations of unnatural sex against the applicant. However, there is no corroborative medical evidence. The applicant is languishing in jail for sufficient time. Trial would take its time. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **GAHINATH RAMDAS JAGTAP** be released on bail on furnishing PB. 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 contact the victim or his parents in any mode or manner till the trial is concluded.
- (c) He should attend the trial on each and every effective date.

(S. G. MEHARE, J.)

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vmk/-