

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1998 OF 2023

Amol Adinath Darkunde

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Abhaysinh K. Bhosle

APP for Respondent/State : Mrs. R.R. Tandale

Advocate for Respondent No.2 : Mr. Rajesh Mewara (Appointed
Through Legal Aid)

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CORAM : S.G. MEHARE, J.

DATED : JANUARY 30, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent no.2/victim.
2. The applicant seeks bail in Crime No.322 of 2023 registered with Shirdi Police Station, Ahmednagar for the offences punishable under Sections 366(A)(B), 370, 372, 373, 376, 328 of the Indian Penal Code, Sections 4, 8 and 12 of the Protection of Children From Sexual Offences Act and Sections 3, 4, 5, 7 and 8 of the Immoral Traffic (Prevention) Act.
3. The applicant claims bail on parity with co-accused Rajendra who has been granted bail.
4. Learned counsel for the victim submits that the role attributed to the applicant is similar to the role attributed to the co-

accused Rajendra. However, the applicant has a bad past. A similar crime is to his discredit. Hence, he may not be granted bail.

5. Learned APP would submit that the offence is serious. The applicant with one co-accused Chhaya attempted to secure the custody of the victim under the grab of parenting. He may abscond and tamper with the prosecution witnesses.

6. Perused the papers. The role attributed to the applicant is similar to the role attributed to the co-accused Rajendra @ Raj. The papers reveal that he is languishing in jail for sufficient time. He has roots in Jalgaon. One of the co-accused is absconding. The victim is safe in the 'Snehalaya' i.e. the child care center. The ossification test of the victim shows that she was below 17 years. There is a margin of two years in the case of ossification test. Considering the material on record and the roots of the applicant in Jalgaon, the Court is of the view that the applicant deserves bail on certain conditions. Hence, the following order :

ORDER

- I) The application is allowed.
- II) The applicant, Amol Adinath Darkunde, be released on bail in the above crime on furnishing P.B. and S.B. of Rs.50,000/- (fifty thousand) with one solvent surety in the like amount on the following conditions :

(3)

(a) The applicant shall not tamper with the prosecution witnesses.

(b) The applicant shall attend the trial on each effective date.

(c) The applicant shall report every last Sunday of every month to the the Police Station Jilhapeth between 04.00 pm to 06.00 pm till conclusion of the trial.

III) If he violates the condition of attendance, the prosecution may move an application for cancellation of bail.

IV) The Secretary, High Court Legal Services Sub-Committee, Aurangabad Bench do pay the fees of the appointed counsel for respondent no.2/victim as per schedule.

(S.G. MEHARE, J.)