



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 BAIL APPLICATION NO. 2183 OF 2023

Sandip Kacharu Palve

..APPLICANT

-VERSUS-

1. The State of Maharashtra
2. Victim

..RESPONDENTS

.....
Advocate for Applicant : Mr. Shirsat Sanjay Bhaskar
APP for Respondent/State : Mr.Mukesh K. Goyanka
Advocate for Respondent No.2 : Ms.Pratibha Suryawanshi (appointed)

CORAM : SANJAY A. DESHMUKH, J.
DATED : 23rd FEBRUARY, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No. 0897 of 2023 registered with Pathardi Police Station, District Ahmednagar, for the offences punishable under Sections 354, 452 of the Indian Penal Code and sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. It is averred in the report by the victim girl of 14 years and 10 months that on the day of incident i.e. on 21.08.2023, her mother, sister and brother went to watering the onion crop. She slept in house. Door of house was not locked. At about 10.20 p.m.

suddenly she realise that someone has kept his hand and legs on her person. She noticed that the applicant was that person. She questioned him as to why he came there. He replied that he just came for charging the mobile hand set. Then he asked to see the video on mobile. When he was showing the video at Instagram, the applicant said that he is having love with her. That time, again he put his hands and legs on her person. That time she told him to remove that hands and legs. That time he caught hold her by pressing her in his legs and moved hands around her body. She felt doubt and, therefore, she ran away out of the house and called her uncle. When he came there, applicant ran away. After some time, her mother, sister and brother came to the house and she told the said incident to them. The report was lodged on 01.09.2023, two days after her father, who was truck driver, came to the house.

3. The learned advocate for the applicant submitted that due to the earlier enmity on account of boundary dispute of agricultural land, the applicant is falsely implicated in the crime. There is delay for lodging the report. The applicant is just married before the incident and he is falsely implicated in the crime. The report itself is doubtful about the alleged incident. He submitted that the custody of the applicant is not necessary as the charge-sheet is filed. The applicant has roots in the society and he will not flee away from the trial. It is lastly prayed to allow the application.

4. The learned APP for the State strongly opposed the application. The learned advocate for respondent no.2 has also strongly opposed the application and pointed out the report as well as statements of witnesses. It is lastly prayed to reject the application.

5. Perused the report and charge-sheet. The applicant has roots in the society. There is delay caused for lodging the report. Considering the nature of the crime and punishment prescribed for the crime and fact that the trial would take long period, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant, in connection with crime No. 0897 of 2023 registered with Pathardi Police Station, District Ahmednagar, for the offences punishable under Sections 354, 452 of the Indian Penal Code and sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence in any manner.

6. Fees of Ms.Pratibha Suryawanshi, the learned

advocate appointed to represent the cause of respondent no.2
be paid through the High Court Legal Services, Sub-
Committee, Aurangabad as per the rules and schedule.

(SANJAY A. DESHMUKH, J.)

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