



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

935 BAIL APPLICATION NO. 2272 OF 2023

RUTVIK SHANTARAM KASARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Dnyaneshwar Bhaurao Pokale.

APP for Respondent/State : Mrs. Pratibha J. Bharad.

Advocate for Respondent No.2 : Mr. Govind Bhagwan Chate. (Appointed).

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 17th January, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.633 of 2023 registered at M.I.D.C. Waluj Police Station, District Aurangabad for the offences punishable under Sections 363 and 366-A of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act.

3 It is averred in the report that the mother of the victim has urged that on 27th July, 2023 her daughter all of a sudden went away without informing anybody and she was found with the applicant on 2nd

August, 2023 at Pachora, District Jalgaon. The applicant was arrested on 10th August, 2023.

4 The learned counsel for applicant submitted that the victim girl has not allowed her conducting of the medical examination. There is no such overt act on the part of the applicant. The applicant has roots in the society. Charge-sheet is filed. The applicant will not flee away from trial. He lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and pointed out the conduct of the victim girl that she refused to conduct her medical examination. She further pointed out that the applicant has criminal antecedents and he was arrested in the crimes of outraging modesty of a woman and under the provisions of POCSO Act, as well as, under the Maharashtra Police Act for two crimes. She lastly prayed to reject the application.

6 The learned counsel representing respondent No.2 also strongly opposed the application. It is lastly prayed to reject the application.

7 Perused the charge-sheet and the statements of witnesses. The applicant was arrested on 10th August, 2023. Investigation is over and charge-sheet is filed. The applicant has roots

in the society. He will not flee away from trial. As far as pressurizing of the witnesses is concerned, certain conditions can be imposed on the applicant. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.633 of 2023 registered at M.I.D.C. Waluj Police Station, District Aurangabad for the offences punishable under Sections 363 and 366-A of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the witnesses.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.
 - c) The applicant shall not indulge in similar activities again.
 - d) The applicant shall not contact with the victim girl till the conclusion of trial.
 - e) The applicant shall not enter into village Ranjangaon, Taluka Gangapur, District Aurangabad till conclusion of trial.

- f) If any breach is noticed, the concerned police station can apply to the Trial Court for cancellation of bail without reference to this Court.
- g) The Trial Court shall proceed against the applicant if breach of any of the above conditions is established.

8 The fees of the appointed counsel be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules.

[SANJAY A. DESHMUKH, J.]

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