

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 557 OF 2024

Dilip Sarjerao Patil

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Kuldeep U. Nikam with Mr. Om N. Latpate and Samadhan H. Ghumare, Advocate for Applicant.

Mr. S. M. Mangaonkar, APP for State-Respondent.

Mr. Amit Mane, Advocate for Respondent.

Mr. Yogesh Patil, API, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 14th OCTOBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 339 of 2023 registered with Chavani Police Station, Malegaon for the offences punishable under Sections 354, 354-A, 323, 504 and 506 of the Indian Penal Code, 1860 and Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
- 3) The allegation against the applicant is of molestation of the informant, who is a minor. Having gone through the charge-sheet and relevant material collected by the Investigating Officer during the

investigation, it is evident that there are statements of the students, who were taking Karate classes under the applicant . They stated in their statement that since last many years, the said classes have been conducted but there is no complaint by a single girl. It has also come in the statement of student witnesses that there are many girls who are taking Karate classes under the applicant. It is further evident that the victim discontinued the said class and subsequently, after a long gap joined. Whereas, the reason for discontinuation was molestation. However, no probable justification has come on record to join the said class again when she had complaint against the applicant.

4) In the above-referred backdrop, as the other students have not seen anything abnormal in relation with the applicant and the victim or considering the past record of the Karate classes of the applicant, I am of the opinion that the applicant is entitled for grant of bail.

5) Moreover, since the charge-sheet has been filed, I am of the opinion that further custody of the applicant is not required. In the circumstances, though the learned Counsel for the victim and the learned APP has strongly opposed the application and as have expressed apprehension that if the applicant is released on bail, he may pressurize the prosecution witnesses, I am of the opinion to put certain stringent conditions. Accordingly, I pass the following order.

ORDER

(i) The Bail Application is allowed;

(ii) It is directed that the Applicant shall be released on bail in Crime No. 339 of 2023 registered with Chavani Police Station, Malegaon for the offences punishable under Sections 354, 354-A, 323, 504 and 506 of the Indian Penal Code, 1860 and Section 8

and 12 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall not enter into the territorial jurisdiction of Chavani Police Station, Malegaon till the conclusion of the trial except on the date of trial;

iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date of trial;

v. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]