



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 338 OF 2025

. Deepak S/o. Gokulsingh Jonwal
Age: 30 years, Occu.: Agri.,
R/o. Machvi Basti, Palsi, Tq.Sillod,
Dist.Aurangabad.Applicant

Versus

1. The State of Maharashtra
Through Police Inspector,
Sillod Rural Police Station,
Tq.Sillod, Dist.Aurangabad.

2. XYZRespondents

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Advocate for Applicant : Mr. Avinash R. Borulkar

APP for Respondent no.1 : Mr.V.M.Jaware

Advocate for Respondent no.2 : Mr.I.K.Wagh h/f. Mr.K.M.More and
Mr.M.S.Randhav

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 21 MARCH, 2025

PRONOUNCED ON : 24 MARCH, 2025

ORDER :

1. Instant application is for grant of regular bail on account of arrest of applicant in crime no.0401 of 2024 registered at Sillod Gramin Police Station, Dist.Aurangabad for offence under Sections 75(2), 333 of the Bharatiya Nyaya Sanhita and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO Act).

2. Learned counsel submits that applicant is behind bars in above crime since 09-11-2024. That, story narrated by victim is improbable as according to learned counsel, victim was in very company of her elder sister and younger brother. That, incident is not possible right in presence of family members. That, considering the allegations, learned counsel submits that nothing is to be recovered or discovered from applicant. That, investigation is over and chargesheet is already filed on 06-01-2025 and as applicant is ready to abide by all and any conditions imposed by this Court, learned counsel seeks grant of bail.

3. Learned APP as well as learned counsel for respondent no.2 both opposed application on the ground that serious offence of outraging modesty has been committed on a minor, who is barely 13 years of age. They point out that applicant is a married person and aged 30 years and moreover, they both express possibility of misuse of liberty in tampering the evidence.

4. Heard. Perused the FIR dated 09-11-2024 lodged by victim herself. According to her, on 08-11-2024, at around 10:00 p.m. her parents had been to water the field. She, her elder sister and younger brother were sleeping in the house and the door was open.

At that time, it is alleged that present applicant entered the house, came near victim, touched her hand as a result of which, she woke up and when she was about to shout, it is alleged that he touched her breasts and requested her to allow him to sleep, and as she shouted, her sister and brother also woke up and thereafter, present applicant allegedly fled away. On such allegations, crime is registered for offence under aforesaid Sections.

5. Applicant is arrested on 09-11-2024. Now, investigation is over and chargesheet is also filed. Considering the nature of allegations and when no recovery or discovery is shown to be made, no purpose would be achieved by further detention of applicant. Resultantly, application deserves to be allowed by imposing stringent condition. Hence, following order is passed. :

ORDER

(i) Application is allowed.

(ii) Applicant Deepak S/o. Gokulsingh Jonwal be released on bail in connection with Crime no.0401 of 2024 registered with Sillod Gramin Police Station, Dist.Aurangabad on executing Personal Bond of Rs.15,000/- with one surety in the like amount.

- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not enter into vicinity of Machavi Shet Vasti, Village Palashi, Tq.Sillod, Dist.Chhatrapati Sambhajanagar (Aurangabad) till conclusion of trial.

(ABHAY S. WAGHWASE)
JUDGE

SPT