



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

**BAIL APPLICATION NO.1689 OF 2024**

Rajendra S/o Dashrath Dalvi  
Age 48 years, Occu.: Washerman,  
R/o. Shivajinagar, Majalgaon,  
Tq. Majalgaon, Dist. Beed

... Applicant

Versus

1. The State of Maharashtra  
2. X.Y.Z.  
Under Guardianship of mother  
A.B.C.

... Respondents

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Mr. Rajendra G. Hange, Advocate for Applicant  
Mr. C.V. Bhadane, APP for Respondent No.1 – State  
Ms. Kalpana Sonpawale, Kulkarni, Advocate (appointed) for Respondent  
No.2

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**CORAM : ABHAY S. WAGHWASE, J.**

**RESERVED ON : 03 JANUARY 2024**

**PRONOUNCED ON : 08 JANUARY 2024**

**ORDER :**

1. Applicant prays for grant of regular bail by virtue of his arrest in crime No.0201/2024 registered at City Police Station, Majalgaon, District Nanded for offences under section 354, 354-A of Indian Penal Code and under sections 8, 12 of Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Learned Counsel for applicant submitted that, there is false implication of applicant. That FIR is registered on hearsay information. Applicant is married and having children. Now, investigation is over. That applicant is behind bars since 26.05.2024. Learned Counsel emphasized that maximum sentence for the offence with which he is charged is five years' imprisonment. That he is already behind bars for more than six months and when nothing is to be recovered or discovered from him, and charge-sheet being filed on 22.07.2024, learned Counsel prays for grant of bail.

3. Opposing the above application, learned APP pointed out that, victim is barely 9 years of age. There is immediate reporting of modesty being outraged. Victim has named applicant and has also stuck to her version recorded under section 164 of the Code of Criminal Procedure. According to learned APP, applicant is married person having children and that, offence being committed on a minor, and as there is every possibility of applicant misusing liberty for tampering the witnesses, relief as prayed is opposed.

4. Heard both sides. Perused the papers. FIR is registered at the instance of mother, who has stated that on 26.05.2024, in the afternoon, she learnt from another neighbour that her daughter is weeping at the shop of applicant, who runs a laundry. Mother claimed that she went to

the said shop and there she learnt from another acquaintance, namely Arfad Pathan that, he received a phone call from his friend Maksood Sayyad about a girl to be in the custody of applicant and he further learnt that the girl was disrobed, her breast was pressed and applicant allegedly gave his male organ in the hand of the girl. Therefore, after taking the daughter home, mother claims that, she asked her daughter, who told the about above incident to her. On her report, crime seems to have been registered.

5. Statement of victim is also recorded. The relevant question is, question no.5 and victim seems to have answered that, after showing mobile, her clothes were removed and her breasts were pressed. Now, investigation is said to be over. Applicant is shown to be arrested on 26.05.2024. There is no dispute that charge-sheet is already filed on 22.07.2024. Prosecution could not point out as to why further custody of applicant is necessary. Oppose is on the ground that applicant is a resident of same vicinity in which victim resides, and there is apprehension, as expressed, about misuse of liberty. When no further recovery or discovery has to be made from the applicant, and no purpose would be served by further detaining the applicant, the apprehension expressed by the prosecution can be dealt with by imposing a condition to not to enter the vicinity of Majalgaon City, District Beed. The relief as prayed deserves to be granted. Hence, the following order.

**ORDER**

- (i) Application is allowed.
- (ii) Applicant Rajendra S/o Dashrath Dalvi be released on bail in connection with Crime No. 0201/2024 registered at City Police Station, Majalgaon, District Nanded on executing P.B. and S.B. of Rs.15,000/- with one or more sureties in the like amount.
- (iii) Applicant shall not enter in the vicinity of Majalgaon City, District Beed, till conclusion of the trial, except attending the trial.
- (iv) Applicant shall not tamper prosecution evidence.
- (v) Fees of the learned Advocate appointed to represent respondent no.2 is to be paid by the High Court Legal Services Sub-Committee, Aurangabad as per Rules.

**ABHAY S. WAGHWASE,  
JUDGE**

S P Rane