



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2047 OF 2024

Shrimant Pandharinath Gayke

Age : 52 years, Occu. : Labour,

R/o. Trimurti Nagar Ranjangaon Sh.

Tq. Ganapur, Dist. Chh. Sambhajinagar

... Applicant

Versus

1. The State of Maharashtra,
Through Police Station MIDC Waluj,
Tq. Gangapur, Dist. Aurangabad

2. X.Y.Z.

... Respondents.

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Mr. Gautam J. Pahilwan, Advocate for Applicant

Mr. V. M. Jaware, APP for Respondent - State

Ms. Siddhi A. Kothari, Advocate for Respondent No.2 (Appointed)

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 09 JANUARY 2025

PRONOUNCED ON : 10 JANUARY 2025

ORDER :

1. Not on board. Upon mentioning taken on record.

2. Applicant seeks enlargement on regular bail by virtue of his arrest in consequence to crime bearing No. 0642 of 2024 registered at M.I.D.C. Waluj Police Station, District Aurangabad for the offence punishable under sections 74 and 351(2) of the Bharatiya Nyaya Sanhita and under sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for applicant submitted that present applicant is above 50 years of age. Above crime has been registered at the instance of informant mother of a victim and there are allegations that, applicant merely pulled the girl in a bathroom. That, there was no material suggesting that said act was with ill intention. However, on report of mother, it is pointed out that above crime has been registered.

4. Learned counsel further submitted that, applicant is behind bars since 12.07.2024. That, moreover, he is mentally ill and is taking treatment to that extent. Papers of treatment are also placed on record and therefore for above ground learned counsel prays for grant of regular bail.

5. While opposing the application, learned APP as well as learned counsel appointed for protecting the interest of complainant, both opposed on the ground that there is clear evidence about victim being dragged in a bathroom. Mother was informed by neighbour and she and mother went to give a call to the girl. They had seen victim in the company of applicant. That, statement of victim, both under sections 161 and 164 of Cr.P.C. are recorded. Both learned counsel submit that, had the mother and neighbouring lady not gone there,

serious crime would have been committed on the girl and therefore they both opposed the bail application for above reasons.

6. After considering the submissions and on going through the papers, it seems that above crime is at the instance of mother of a girl, who is reported to be 8 years of age. While playing with another girl, it is alleged that, the girl was dragged into an unused bathroom. There are allegations that, when the girl was dragged and when she raised shouts, her mouth was shut by use of hand. On above report, crime has been registered.

7. As pointed out, applicant has placed on record medical papers of his treatment. It shows prescription of medicines, namely, Sizolanz and Dicorate, which suggest treatment for schizophrenia and epilepsy.

8. Taking the nature of accusations into consideration and the above medical condition, the relief as prayed deserves to be granted. Hence, the following order is passed :

ORDER

(i) Application is allowed.

(ii) Applicant Shrimant Pandharinath Gayke be released on bail in connection with Crime No. 0642 of 2024 registered with

M.I.D.C. Waluj Police Station, Dist. Aurangabad on executing P.B. of Rs.15,000/- with one surety in the line amount.

(iii) Applicant shall not tamper prosecution evidence.

(iv) Applicant shall not enter in the vicinity of Ranjangaon Shenpunji village, Tq. Gangapur, Dist. Chhatrapati Sambhajanagar, till conclusion of the trial.

(v) Fees of learned Advocate, who is appointed to represent cause of respondent no.2 is to be paid by the High Court Legal Services Sub-Committee, Aurangabad as per rules.

(ABHAY S. WAGHWASE, J.)