



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2295 OF 2024

Suryabhan S/o. Savleram Dhotre,
Age : 70 years, Occu. : Nil,
R/o. Baku Pimpalgaon,
Devgad, Tq. Newasa,
Dist. Ahmednagar.

... Applicant.

Versus

1. The State of Maharashtra,
Through Police Inspector,
Tophkhana Police Station,
Ahmednagar, Dist. Ahmednagar.

2. X.Y.Z.

... Respondents.

.....
Mr. D. R. Adhav, Advocate for Applicant.
Mr. V. M. Jaware, APP for Respondent No.1 - State.
Mr. A. D. Hande, Advocate for Respondent No.2.
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CORAM : ABHAY S. WAGHWASE, J.

DATED : 12 FEBRUARY, 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in Crime No.595 of 2024 registered at Tophkhana Police Station, Dist. Ahmednagar for offence punishable under section 376, 376(2)(F), 376(2)(I), 376(2)(N) and 506 of Indian Penal Code and under sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. In support of relief, learned counsel for applicant submitted that, applicant is over 70 years of age. That, there is false implication by his own daughter alleging sexual assault of his own granddaughter. Learned counsel submitted that, medical evidence does not corroborate prosecution version. That, DNA report is not yet received. That, applicant is behind bars since March 2024 and therefore considering his age, learned counsel prays for grant of bail.

3. Learned APP strongly opposed on the ground that offence is serious. That, minor granddaughter is victimized. That, report is by very daughter of applicant. That, victim is impregnated by applicant, who misused position and trust. For above reasons, learned APP seeks rejection.

4. Perused the papers. FIR seems to be at the instance of mother, who has reported police that she resides with her family in a tin shed. As she and her husband were required to go out of station, she used to call her own father to take care of the children. She claims that, in December 2023, she and her husband left for pilgrimage to Loni and thereby called her father to stay with the children. She further claims that, in May 2024, on complaint from her daughter, aged 10 years, about dizziness, she was taken to

hospital and there her daughter was found to be pregnant. Hence, she lodged report on 10.05.2024 against her own father. As her daughter told that her grandfather i.e. present applicant used to insert his male organ in her private part and further threatened her. On above report, crime seems to have been registered. Statement of victim under section 164 Cr.P.C. is also recorded, wherein she has narrated the above occurrence to learned Magistrate.

5. Consequently, on perusal of medical papers and also taking the above material into consideration suggesting commission of serious offence of sexual assault on minor granddaughter, though charge-sheet is filed, this court is not inclined to grant relief as prayed.

6. The application stands rejected.

(ABHAY S. WAGHWASE, J.)