



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 BAIL APPLICATION NO. 2353 OF 2024

VAIJNATH BABAN ZANJE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Shermale K. N.

APP for Respondent/State: Mr. A. A. A. Khan

Advocate for Respondent No.2 : Mr. R. G. Nirmal (*Appointed*)

Advocate for Respondent No.2: Mr. G. J. Karne

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CORAM : ARUN R. PEDNEKER, J.

DATE : 08th JANUARY, 2025

PER COURT:

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested on 23.09.2024 in connection with Crime No.1048 of 2024 (Special Case No.301 of 2024), registered with Kotwali Police Station, District Ahmednagar, for the offences punishable under Sections 354, 354(A), 354(B), 504 of the IPC & Section 8 and 12 of the Protection of Children from Sexual Offences Act.

3] The FIR against the applicant is lodged on 22.09.2024 that on 22.05.2024, while the applicant and the minor daughter / victim / informant was present in the house and the victim's mother has gone out to purchase some vegetables, the applicant had caught hold the minor daughter and has molested her. As such, the offence under the

above sections registered against the present applicant. The applicant was arrested on 23.09.2024 and he continues to remain in custody. Charge-sheet is filed in the matter.

4] Considering the nature of allegations, the learned counsel for the applicant submits that undisputedly the applicant and the mother of the victim were in relations . It is only after the relations had become sour between them, concocted FIR is registered.

5] Per contra, the learned counsel for the assist to public prosecutor submits that it is only at a later point of time the victim informed her mother about the incident of molestation. As such, the FIR is registered at the later point of time.

6] The learned APP points out that statement under section 183 BNSS (164 Cr.P.C.) is recorded of the victim. The learned APP submits that the victim has maintained her statement under 164. However, perusal of the statement under section 183 BNSS indicates that there is improvisation of statement.

7] Considering the above submissions that the FIR is registered after four months of alleged incident after that relations may have turned sour between the applicant and the mother of the victim and that the investigation in the matter is complete and the maximum punishment for offences is 5 years and the applicant is in custody for about three months, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.1048 of 2024 (Special Case No.301 of 2024), registered with Kotwali Police Station, District Ahmednagar, for the offences punishable under Sections 354, 354(A), 354(B), 504 of the IPC & Section 8 and 12 of the Protection of Children from Sexual Offences Act, on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the Trial.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

9] It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The

concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] Mr. R. G. Nirmal, learned counsel appointed by this court to represent the cause of respondent no. 2, shall be paid fees of Rs.10,000/- by the High Court Legal Aid Services Sub-committee, Aurangabad.

11] The application stands disposed of.

[ARUN R. PEDNEKER, J.]

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