



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

956 BAIL APPLICATION NO. 748 OF 2025

Sominath Girdhar Surase

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Bobade Sopan Gynba, Paikrao Dhammadip
Ankush

APP for Respondents-State: Mrs. A. S. Mantri

Advocate for Respondent No.2: Ms. Smita Chole (Kendre) (Appointed)

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CORAM : ARUN R. PEDNEKER, J.

Dated : June 27, 2025.

PER COURT :-

1. Heard learned counsel for the applicant, the learned APP for the respondent-State, and the learned appointed Counsel for respondent No.2.
2. The applicant is seeking bail as he was arrested in connection with FIR No.367/2024, registered with Karmad Police Station, Aurangabad Rural, District Aurangabad, for the offences punishable under sections 109, 118(1), 74, 115(2), 352, 351(2), 189(1), 189(2), 191(2), 190, 191(3) of BNS and under Section 8, 12 of POCSO Act.
3. The case of the prosecution is that the father of the victim lodged an FIR on 09/09/2024, alleging that on 28/08/2024, when he and his wife returned home, the victim informed them that accused No.1 had inappropriately touched her. Therefore, they went to the house of accused No.1 and questioned him about the incident. At that time, accused No.1 tried to flee but was caught. He then apologized for his act.
4. On 29/08/2024, when the father of the victim was proceeding towards

home, accused No.2 and accused No.5 started abusing him and threatened him for having beaten accused No.1. While the altercation was going on, accused No.2, i.e., the present applicant, brought an iron axe and assaulted the informant. As such, an FIR was registered, and the applicant was arrested on 09/09/2024.

5. The learned Counsel for the applicant submits that the investigation in respect of the present applicant is nearly complete, and recovery has already been made at the instance of the applicant. It is further submitted that the offences under the POCSO Act are against accused No.1, and no such allegations are made against the present applicant.

6. The injury certificate shows a fracture measuring 5 x 2 x 2 cm over the forehead. However, the learned Counsel for the applicant submits that the injured was discharged from the hospital on 04/09/2024, and therefore, the injury is not as grievous as alleged. It is further submitted that the applicant has been in custody for a considerable period and that further custody is not warranted.

7. Considering that the applicant has been in jail for about nine months and the trial is likely to take substantial time to conclude, the applicant is granted bail.

8. In view of the above, the application is allowed in the following terms: -

a] The applicant shall be released on bail in connection with FIR No.367/2024, registered with Karmad Police Station, Aurangabad Rural, District Aurangabad, for the offences punishable under sections 109, 118(1), 74, 115(2), 352, 351(2), 189(1), 189(2), 191(2), 190, 191(3) of BNS and under Section 8, 12 of POCSO Act, on furnishing PR bond of Rs.25,000/- 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 Court and he shall attend each and every date, unless exempted by the trial Court.

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.

f] The applicant shall not communicate with the victim or her family so also not to enter in the village Vadkha Tq. Dist. Chhatrapati Sambhajinagar, for a period of one year.

9. 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. 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. Fees of the appointed advocate is quantified at Rs.10,000/- (in words rupees ten thousand only), to be paid by High Court Legal Services Sub-Committee, Aurangabad.

11. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.