

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

14 CRIMINAL APPLICATION NO. 1967 OF 2017

AJMAL ABDUL JABBAR SHAH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Vakil Afzal Husain M.
APP for Respondent/State : Mr. R.V. Dasalkar
...

CORAM : T.V. NALAWADE, J.
DATED : April 27, 2017.

ORDER :

1. The application is filed for bail. A statement was made by the learned counsel for applicant that this is the first bail application filed in this Court for the applicant. Papers of investigation were made available to this Court for perusal. Both the sides are heard.

2. The crime at C.R. No. 28/2017 is registered in Azad Nagar Police Station, Dhule for the offences punishable under sections 354-A, 305 etc. of I.P.C. and some sections of the Protection of Children from Sexual Offences Act on the basis of report given by victim girl. The age of the victim girl was 17 years at the relevant time. She has made allegations that about 2-3 months prior to the incident, applicant had called her on phone and he had said that he was in love with her and he

wanted to marry with her. She has contended that she had specifically told him that she was not interested and he should not call her again. It is her contention that the applicant then insisted and contacted to call her on phone and he started giving threat to defame her. Allegations are made that on 1.3.2017 at about 3.00 p.m. the elder brother of present applicant came to the house of the victim girl and in the presence of her mother and elder sister, he picked up quarrel and warned the victim girl not to call the present applicant again. It is her contention that her mother attempted to convince him by saying that she was not calling him, but the applicant was calling her. Allegations are made that elder brother of applicant also gave threat to defame her and due to that, she took a decision to commit suicide. She tried to commit suicide by hanging herself and by leaving behind a suicide note. But, somehow she was saved. There is medical record in that regard.

3. There is aforesaid material against the present applicant. But the applicant is student, aged about 19 years. He has been behind bars since 9.3.2017. It is not certain as to how much time will be required for disposal of the case which may be filed against the respondent. In view of these circumstances, this Court holds that it is not desirable to keep the applicant behind

bars till the disposal of the case which may be filed against him.

4. In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 50,000/- (Rupees fifty thousand) with one or more solvent sureties. He is not to tamper with the prosecution witnesses. He is not to commit similar offence. He is not to enter Dhule except for attending the case which may be filed against him. He is to supply his address to concern police station before getting released on bail.

[T.V. NALAWADE, J.]

SSC/