

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

26 BAIL APPLICATION NO.1077 OF 2021

**AKASH BHAGORAO RANMALE
VERSUS
THE STATE OF MAHARASHTRA**

Shri. S. S. Bora, Advocate for the applicant
Shri. N. T. Bhagat, APP for the respondent/State
Smt. Shital E. Waghmare, Advocate for respondent No. 2.

**CORAM : M. G. SEWLIKAR, J.
DATED : 15th NOVEMBER, 2021**

PER COURT :-

1. Informant is the mother of the deceased Ankita. The deceased Ankita committed suicide by hanging. This incident took place on 30th April, 2021 at 11.45 a.m. FIR came to be lodged on 2nd May, 2021. It is alleged in the FIR that the applicant was in love with the deceased and wanted a favourable response from the deceased. Since the deceased did not respond he started harassing her. He started threatening her that he would make the photographs of the deceased and the applicant viral. He had also threatened that he would kill the brother of the deceased as the brother of the deceased was an obstacle in the love

affair between the applicant and the deceased. Unable to bear the harassment, the deceased put an end to her life by hanging. Accordingly, on registration of the FIR, offence under Sections 306, 323, 504, 506 of the Indian Penal Code, under Sections 8, 12, 14(4) of the POCSO Act and under Section 67(A)(B) of the Information and Technology Act came to be registered against the applicant.

2. Heard Shri. Bora, learned counsel for the applicant, learned APP Shri. Bhagat for the respondent/State and Smt. Waghmare, learned counsel for respondent No. 2.

3. Learned counsel Shri. Bora for the applicant pointed out that AD report was filed by the sister of the deceased. It is not in dispute that the sister of the deceased is a married woman. He further pointed out that in the AD report no allegations are made against the applicant. He further submits that after two days i.e. on 2nd May, 2021, this report came to be registered making allegations as detailed in the FIR. He submits that these allegations are

after thought.

4. Learned APP Shri. Bhagat and learned counsel Smt. Waghmare submit that offence is serious in nature. There is ample evidence to show that the deceased was subjected to harassment by the applicant. Photographs of the applicant and the deceased are seized. The applicant had threatened that these photographs would be made viral. Therefore, she was driven to the brink of suicide.

5. Charge-sheet is filed. On perusal of the charge-sheet it appears that initially AD report was filed. No allegations as regards harassment by the applicant to the deceased were made. Only on 2nd May, 2021 i.e. on third day after the incident, these allegations are made. No explanation is forthcoming for the delayed FIR. In this view of the matter and considering the fact that the offence is not punishable with death or imprisonment for life and the pandemic situation, I am inclined to release the applicant on bail. Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 0131 of 2021 under Sections 306, 323, 504, 506 of the Indian Penal Code, under Sections 8, 12, 14(4) of the POCSO Act and under Section 67(A)(B) of the Information and Technology Act registered with Vimantal Police Station, Dist. Nanded and on condition that he shall not pressurise the witnesses.
3. Application is disposed of.
4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M. G. SEWLIKAR, J.]

ssp