

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

BAIL APPLICATION NO.82 OF 2023

**NAGESH DIGAMBAR JANGALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr. P. P. More
APP for Respondent No.1: Mr. S. P. Deshmukh
Advocate for Respondent No.2 : Mr. S. N. Patil

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CORAM : S. G. MEHARE, J.

DATE : 02.02.2023

PER COURT :

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondent/State and the learned counsel for the complainant.

2. The alleged incident happened on 11.08.2022. A girl of sixteen years old consumed insecticide and committed suicide. However, report was lodged on 12/09/2022. Apparently, the F.I.R was delayed. The delay has been explained that since the complainant was in grief, he could not lodge the report.

3. The learned counsel for the applicant would submit that

since the victim was lastly seen in the field of the applicant, he has been made a scapegoat. The applicant never called her in his field. However, he has a little acquaintance with the deceased. He never thought of the incident. For about one month, there were no complaints against the accused. However, after one month, the aunt of the deceased was got up and narrated the incident making allegations that the applicant expressed his love towards the deceased and demanded her for sex. On this information, the FIR was registered.

4. It has also been argued that there was no sexual assault, hence, Section 8 of the POCSO Act, 2012 would not attract. He never harassed the deceased. The another witness also stated/deposed belatedly. Before the incident, there were no complaints against the applicant. The reason is best known to the deceased why she had consumed the insecticide. The applicant is a young boy of nineteen years old. The chargesheet has been filed. Hence, he may be released on bail.

5. The learned counsel for the complainant has vehemently argued that the applicant is man of muscle and money power. He may tamper with the prosecution witnesses. The witness Omprakash Rekhale was win over; hence he had filed a false affidavit supporting the applicant.

That affidavit cannot be read in the case. The applicant was harassing the deceased and forcing her to have a sex. The parents of the deceased were in grief, hence they could not file the report immediately. The delay in lodging the F.I.R is properly explained. The offence is serious. Hence, he may not be granted bail.

6. The learned A.P.P. would submit that there are two eye witness to the incident. They cannot be discarded. At this stage, the circumstances reveal that the deceased committed suicide due to the harassment and demand for sex. The applicant is from influential family. Hence, he may not be granted bail.

7. The inordinate delay in lodging the FIR raises serious doubt about the incident. The first witness is aunt of the applicant, she had no reason to keep silence for such a long time. Another witness has also been brought to the light after considerable delay.

8. Considering the circumstances of the case, whether the applicant abetted the deceased to commit suicide needs trial and appreciation of evidence. It appears to be a solitary incident. There may be many reasons to commit the suicide. The deceased never complained against the applicant any time before. The investigation

has been completed. Nothing has to be recovered from the applicant.
Hence, he deserves bail.

ORDER

- (i) The application is allowed.
- (ii) The applicant Nagesh Digambar Jangale, be released on bail, on executing P.B. and S.B. of Rs. 50,000/-, with one solvent surety in the like amount, in C.R. No. 201 of 2022 registered with Killari Police Station District Latur for the offences punishable under Sections 305, 354(A), 354(D) of Indian Penal Code and Section 8 and 12 POCSO Act on the conditions that;
 - (a) The applicant shall not contact any of the witnesses till the conclusion of the trial.
 - (b) He shall attend the trial on each and every effective date of hearing.

(S. G. MEHARE)
JUDGE