

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1449 OF 2023

AKSHAY NAGNATH GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Shashikant E. Shekade

APP for Respondent No.1/State : Mr. A. B. Chate

Advocate for Respondent No.2/first informant : Mr. M. P. Gandle

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CORAM : S. G. MEHARE, J.

DATE : 12-09-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for respondent No.1/State and the learned counsel for respondent No.2/first informant.
2. The applicant seeks bail in Crime No.197 of 2023 registered with Police Station Ashti, District Beed, for the offences punishable under Sections 354, 354A, 354D, 305 of the Indian Penal Code and Sections 8 and 12 of the Protection of the Children from Sexual Offences (POCSO) Act, 2012.
3. The deceased was fifteen years old and the relative of the applicant committed suicide on 14.05.2023. It has been alleged against the applicant that on 13.05.2023, he went to her house and sent her two sisters to bring sweet and kissed the deceased. When her sisters returned home, they find the deceased was

crying. The incident was of 13.05.2023. Next day, the deceased, committed suicide in her house. The applicant has been arraigned as an accused on the statements of sisters of the deceased and languishing in jail since 14.05.2023.

4. The learned counsel for the applicant would submit that there were no good terms in their families. He never instigated the deceased to commit suicide. He does not know exact reasons why she committed suicide. He has not used any weapon. The investigation has been completed. The chargesheet has been filed.

5. The learned A.P.P. for the State and the learned counsel for the first informant have vehemently opposed the application. The learned counsel for the victim has vehemently argued that the applicant is a relative of the witnesses. The witnesses are minor. Hence, there is every possibility of tampering with the evidence. That apart, they are residents of the same locality. The offence is serious. Hence, the applicant does not deserve bail.

6. Perused the chargesheet.

7. The relation between two families is not disputed. Bare allegations against the applicant are that he had kissed the deceased and the deceased narrated the incident to her sisters. No weapon has been used in the crime. There are no antecedents to the discredit of the applicant. He is a young boy of twenty three

years. He has been languishing in jail for sufficient time. No purpose would be served by keeping him behind bar. As far as apprehension of tampering with the witnesses is concerned, certain conditions may be imposed to guard their interest. Hence, the order:-

- i) The application is allowed.
- ii) Applicant Akshay Nagnath Gaikwad be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall not contact the minor witnesses and family of the deceased till conclusion of the trial.
 - (c) He shall stay away from village Pimpri Ashti, Taluka Ashti, District Beed, for two months from the date of his release.
 - (d) He shall maintain the law and order.

**(S. G. MEHARE)
JUDGE**

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