

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

935 BAIL APPLICATION NO.1795 OF 2023

**SURAJ ANSIRAM SIRSAT
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. N.S. Ghanekar
APP for Respondents : Mr. S.B. Narwade

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**CORAM : S. G. CHAPALGAONKAR, J.
Dated: October 19, 2023**

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PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.131 of 2023 registered with Daithana police station, District Parbhani for the offences punishable under sections 376, 452, 341, 201, 506, 34 of the Indian Penal Code.

2. Investigation was set in motion on the basis of the information given by victim herself. She alleges that she resides at village Amdapur with her family consisting of mother and brother. She lost her father in the year 2008 and her brother and mother are working in the field. It is alleged that since few months before lodging of the complaint, the accused was stalking her. Whenever she was alone at the home he made attempts to have conversation with her. She alleges that once the applicant forcibly snapped selfie with her. Thereafter, he threatened her to make those photographs viral and insisted to have sexual favour. Under such threats, the informant

succumbed to demand of applicant and had physical relationship with the applicant for 5 to 6 times.

3. Her marriage was arranged elsewhere. The applicant threatened that he would not allow her to marry elsewhere. Parents of the applicant threatened that they would be lodging false cases against the informant and her family members. Based on the aforesaid information, crime no.131 of 2023 came to be registered against the applicant. The applicant is arrested on 2.5.2023. Investigation progressed. Statements of witnesses are recorded. Charge-sheet is filed. On committal of case, charge is framed. However, the prayer of the applicant for grant of regular bail has been rejected by the Sessions court vide order dated 30.9.2023. Hence, this application.

4. Mr. Ghanekar learned advocate appearing for the applicant submits that it is a case of love affair of applicant, who is a boy aged 21 years with victim, who is a girl aged 20 years. He would submit that since family members of girl intends to marry her elsewhere, false accusations are made against the applicant and FIR has been designed accordingly. He would invite attention of this Court to the statement of victim recorded under section 164 of the Cr.P.C. to contend that there is major inconsistency as regards to place of snapping selfie. He would submit that brother of the victim crashed cell phone instrument of the applicant, which can be noticed from the seizure of the panchnama. He would further submit that investigation in the matter is completed. Charge-sheet is filed.

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Further detention of the applicant would not necessary. The applicant is behind bar for more than five months. As such, he seeks release of the applicant on bail.

5. Learned A.P.P strongly opposes the prayer for grant of bail on the ground that allegations in the FIR are supported by the evidence of the family members of the victim. There is recovery of the mobile phone. Technical report is awaited. Release of the applicant may hamper smooth trial.

6. Having considered the submissions advanced, it can be gathered from allegations in the FIR that the applicant was asking sexual favour on the basis of selfie snapped by him in his mobile phone. Apparently, such allegation do not appeal. It is difficult to believe that a young girl will succumb to the threats of accused of making viral selfies and allow sexual intercourse. Further there is no reason why complaint was not lodged immediately at first incident that took place sometimes in the month of June, 2023.

7. As rightly pointed out by Mr. Ghanekar, there is inconsistency in her statement recorded under section 164 of the Cr.P.C. and the complaint as regards to the place of snapping of photograph. Investigation in the matter is completed and charge-sheet is filed. All the material witnesses cited in the charge-sheet are family members of the victim. There is no possibility of tampering of the evidence. The applicant is behind bar since 2.5.2023. Further detention of the applicant is not warranted. However, to protect the

interest of the prosecution, some conditions are required to be imposed. The case is made out for grant of bail. Hence, the order.

ORDER

- i. Bail Application is hereby allowed.
- ii. The applicant - Suraj Ansiram Sirsat be released on bail in connection with Crime No.131 of 2023 registered with Daithana police station, District Parbhani for the offences punishable under sections 376, 452, 341, 201, 506, 34 of the Indian Penal Code on his furnishing P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand), on the following conditions :-
 - a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall attend each and every effective date before the trial court.
 - c] The applicant shall not enter village Amdapur till conclusion of the trial.
 - d] The applicant shall not make contact with the witnesses named in the chge-sheet.
- iii. Bail application is accordingly disposed off.
- iv. The observations made herein above are prima faice in nature based on the material in the charge-sheet, only for disposal of this application.

(S.G. CHAPALGAONKAR J.)

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