

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

BAIL APPLICATION NO.2067 OF 2022

**SHAIKH SAMEER S/O. SHAIKH SALEEM
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr. B. N. Magar
APP for Respondent No.1: Mr. K. S. Patil
Advocate for Respondent No2 : Mr. A.S. Usmanpurkar
(appointed Through Legal Aid)

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CORAM : S. G. MEHARE, J.

DATE : 10.03.2023

PER COURT :

1. Heard the learned counsel for the applicant, the learned A.P.P for respondent No.2 and the learned for respondent No.2/ the victim appointed through legal aid.

2. The victim was 16 years old at the time of the alleged incident. Out of their love relationship she became pregnant. The applicant under the promise to marry her did sex with her. However, one fine morning he performed marriage with another girl. It has also been alleged against the applicant that after the applicant performed marriage, the victim asked him to stop the relationship but the applicant threatened her that if she would not keep relationship with

him, he would defame her.

3. The learned counsel for the applicant would argue that the applicant had love affair with the victim. She never disclosed the pregnancy to her parents. The parents also did not complain till she was four months pregnant. He never did sex with her. Applicant does not know how she became pregnant. False allegations have been levelled against him. The applicant is 24 years old boy. There are no antecedents to his discredit. The investigation has been completed. Hence the applicant may be granted bail.

4. The learned A.P.P. and learned counsel for the victim has vehemently argued that the applicant did sex with victim under the promise to marry and suddenly married another girl. He abandoned the victim when she was pregnant. Post marriage, he threatened the victim and tried to blackmail her under the garb of his love relationship. The conduct of the applicant is harmful. The victim is from a very poor labour family. Her parents used to go for labour work all the day and she used to stay alone at home. Therefore, there is every possibility of tampering with the prosecution witnesses. Hence the applicant does not deserve bail.

5. The argument advanced by the learned A.P.P. and learned counsel for the complainant appears most relevant. The post marriage conduct of the applicant shows that he wanted to continue the relationship with her but when she denied, he threatened her to defame, if she would not keep the relationship with him. Beside the victim belongs to a poor labour family. Her parents used to go for labour work all the day. The applicant may take the disadvantage, when would be alone in her house. Therefore, apprehension of the prosecution that there is great possibility of tampering with the prosecution witnesses cannot be ruled out. The offence is serious. Hence the application stands dismissed.

6. The Secretary, High Court Legal Services Sub Committee Aurangabad do pay the fees to the learned counsel for appointed for the respondent No.2/victim as per the schedule.

(S. G. MEHARE)
JUDGE