



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2900 OF 2023

VAIJINATH SUNIL PAWAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Mr. Ritesh Thobde, for the Applicant.

Ms. Veera Shinde, APP for the State.

Ms. Apoorva Gupte, for Respondent No.2.

Police Constable-Nilesh Ramesh Kamble, Pandharpur City police station present.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 13, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 305, 506 read with 34 of the Indian Penal Code, 1860 and under sections 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 registered on 29/03/2023 vide C.R. No.189 of 2023 with Pandharpur City police station. The applicant was arrested on 29/03/2023.

3. The victim was 15 years of age at the relevant time. The date of the incident is 25/03/2023. The victim

committed suicide at her home. The prosecution case is that the applicant who is 20 years of age was following the victim and had proposed her to be in a love relationship. The co-accused who are juvenile friends of the victim were pursuing her to accept the proposal of the applicant. Couple of days prior to the incident, the victim's mother suspected that along with the victim and female student friends, there was also one boy in their house. As friends of the victim were teasing her and as the applicant was proposing her time and again, the victim was so harassed that she decided to end her life.

4. Learned APP as well as learned counsel for the respondent no. 2 while vehemently opposing the application submitted that the materials on record clearly establish that the applicant abetted the commission of suicide. The applicant was 20 years of age at the relevant time. The applicant was arrested on 29/03/2023 and is in pre-trial custody for more than 8 months. The investigation is complete. The charge-sheet has been filed. The applicant was taking education at the time of the commission of alleged offence. There are no criminal antecedents reported

against the applicant. In the facts and circumstances of the present case and taking overall view of the matter, whether abetment alleged is of such a nature which was the cause victim taking the extreme step, is the subject matter of trial. I am inclined to enlarge the applicant on bail considering his age and that he does not appear to be a flight risk. The applicant will face the consequences of the trial if found guilty. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Vaijinath Sunil Pawar in connection with C.R. No. 189 of 2023 registered with Pandharpur City police station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) Except for attending the trial, the applicant shall not enter the area where the first informant is residing after being released on bail, till the further orders of the trial Court.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall not threaten the witnesses or tamper the evidence.

5. The application is disposed of.

6. I appreciate the valuable assistance rendered by Ms. Apoorva Gupte, learned Advocate, who appeared on behalf of respondent No.2 in this proceeding. Learned advocate may be paid the fees as prescribed by the Legal Aid Services Authority or if not prescribed, the same is quantified at Rs.5000/-.

(M. S. KARNIK, J.)