



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1001 BAIL APPLICATION NO. 207 OF 2024

1) Bablu @ Aman Tayyad Shaikh
2) Momin s/o Sohil Mohammad (withdrawn)
3) Umar Siraj Shaikh @ Gulve (withdrawn)

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. P.P. More

APP for Respondents: Mr. Mukesh K. Goyanka

Advocate to assist the A.P.P. : Mr. Sandeep C. Swami

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 16th FEBRUARY, 2024.

PER COURT :-

1. Heard both sides. When this court expressed disinclination to grant bail to applicant Nos. 2 and 3, learned advocate for the applicants, on instructions, seeks leave to withdraw the application of applicant Nos. 2 and 3. Leave granted. The application of applicant Nos. 2 and 3 is disposed of as withdrawn with liberty to file fresh application before the trial court after filing of the charge sheet.

2. Insofar as applicant No.1 concerned, he is seeking bail under section 439 of Cr.P.C. in connection with crime No. 0503 of 2023 registered with Chakur police station, District Latur for the offences punishable under Sections 306, 341, 354, r.w. 34 of I.P.C. and under Sections 8 and 12 of the Prevention of Children from Sexual Offences Act and under Section 66-A of the Information

Technology Act. His application with similar prayer bearing criminal bail application No. 18 of 2024 came to be rejected by the learned Additional Sessions Judge, Latur vide order dated 19.1.2024.

3. The informant is mother of the victim child, who was 16 years old studying in 11th standard. On 20.12.2023, a video of her conversation was alleged to have been displayed by the applicant and other co-accused persons in the village and particularly amongst the relatives of the informant. Therefore, her mother informant inquired with the victim child as to what happened. She told that when she was talking with two persons at that time, the applicant came there and had asked “तु कहा की है, यहा क्यू आयी है” Upon which, she replied that “तेरेसे क्या मतलब है, तुमको क्या करने का है” . Thereafter, on second day, i.e. on 21.12.2023 she went alongwith her mother to her farm and she omitted there. It was black contents in her omitting. Therefore, her mother asked as to what happened. She replied that she consumed rat killing poison because her video was made viral by the applicant and other accused persons. Therefore, she attempted to commit suicide. She was admitted in the hospital but she succumbed to the poison on the second day of the incident. Thereafter, report was lodged.

4. Learned advocate for the applicant submitted that video is not obscene. There was no such abetment on the part of this applicant.

The applicant is falsely implicated in the crime. No such report was lodged after the said video was displayed on Whatsapp. The applicant is a student of 12th standard (Arts faculty) and his examination is to be scheduled from 21.2.2024. He submitted that the applicant be released on bail.

5. Learned A.P.P. assisted by Mr. Swami, learned advocate, has strongly opposed the application and pointed out the papers of investigation, particularly the statement of one Sameer Shaikh, in which it is stated that while outraging the modesty of victim girl, the said video shooting was done by this applicant and other co-accused and made the said video viral on Whatsapp groups. The applicant is booked in serious crime under Section 305 of I.P.C.. Considering serious nature of crime, it is lastly prayed to reject the application. Learned A.P.P. submitted that at the most the applicant be released on bail only to attend the 12th standard examination only.

6. Perused the papers of investigation, particularly the report and the statements of witnesses. Practical investigation is over. The custodial investigation is not necessary. He has roots in the society. He will not flee away from trial. The applicant has to attend 12th standard examination. Therefore, without adverting to the merits of the case and considering the facts and circumstances of the case, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant Bablu @ Aman Tayyad Shaikh in connection with crime No. 0503 of 2023 registered with Chakur police station, District Latur for the offences punishable under Sections 306, 341, 354, r.w. 34 of I.P.C. and under Sections 8 and 12 of the Prevention of Children from Sexual Offences Act and under Section 66-A of the Information Technology Act, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not enter into village Ujlamb, Tq. Chakur, district Latur till the conclusion of trial.
 - c) The applicant shall not indulge in similar activities in future and shall not make the said video viral again.
7. Authenticated copy of this order be provided to the parties. Humdast allowed.

(SANJAY A. DESHMUKH, J.)

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