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

BAIL APPLICATION NO. 523 OF 2024

**VANSING @ VANYA KOCHARA VASATE
VERSUS
THE STATE OF MAHARASHTRA.**

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Mr. R.S. Shinde, Advocate for applicant.
Mr. V.S. Badakh, APP for respondent No.1.
Mr. A.S. Savale, Advocate for respondent No.2.

CORAM : S.G. CHAPALGAONKAR, J.

DATE :- 22nd JULY, 2024.

ORDER :-

1. The applicant seeks regular bail in connection with Crime No. 120 of 2023 registered with Molgi Police Station, Dist. Nandurbar for the offences punishable under Sections 305, 354A, 500, 504 of IPC and Sections 4,6,8 and 12 of the POCSO Act and Section 67-C of Information and Technology Act.

2. On 15.7.2023, dead body of the victim was found in the room. The post mortem was carried, wherein, cause of death is mentioned as Asphyxia due to hanging. The Viscera was preserved. Ligature marks seen on the dead body. Consequently, accidental death under Section 174 of Cr.P.C. was registered. However, later, the mother victim filed complaint leading to registration of offence in Crime No. 120 of 2023 for the aforesaid offences.

3. In nutshell, the informant alleges that her daughter was taking education in 12th Standard. She was residing in a rented accommodation. The victim had reported that she had been stalked and abused in filthy language by accused Rajul Valvi. After death of the victim, a mobile instrument was recovered from the spot. Messages, depict that there was altercation between Rahul and victim. It is alleged that accused Rahul had made viral certain photographs that led to torture of the victim. Consequently, she committed suicide. The video recording is also found in the mobile phone, wherein, the victim alleges that one Vanya R/o. Limbi raped her.

4. In pursuance of the aforesaid investigation, charge sheet was filed. The charge contains a statement of witness Bhima Chaitanya Vasave, wherein, he states that while he had been to answer the nature's call, he saw accused persons leaving the house of Khema Vasave, the father of victim. One of them was Vansing Temrya Vasave.

5. On the basis of aforesaid statement, the applicant is arrested on 24.7.2023, since then, he is behind bars.

6. Mr. R.S. Shinde, learned advocate for the applicant submits that applicant is not named in the FIR. The Post Mortem report nowhere suggest any sexual assault on victim. Merely on the basis of so called statement in video clip of victim, the applicant has been arrested. Such statement is not sufficient to hold that the person 'Vanya' referred in the Video clip is the applicant. The applicant is behind bars for more than one year. Charge sheet contains no evidence to establish complicity of

the applicant with the crime in question.

6. Per contra, learned APP vehemently opposes the bail application. He would submit that supplementary statement of Bhima indicates that applicant and others were last seen while leaving the house of Khema, which indicates that the applicant must be involved in commission of offence. Mr. Savle, learned advocate appearing for the complainant, supports advanced by learned APP.

7. Having considered submissions advanced, it is apparent that in an unfortunate incident, a young victim ended her life. She committed suicide on account of mental torture alleged at hands of accused persons. So far as the applicant is concerned, his role is not asserted as regards the mental torture or abatement of suicide. He has been arrested on the basis of one line statement of the victim appearing in the video clip, which states that a person named 'Vanya' resident of Nimbi raped her. The statement of witness Bhima suggests that Vanya Temrya Vasawe was seen while leaving the house of Khema Vasave on 14.7.2023. However, there is nothing to indicate that applicant, namely, Vansing Kochara Vasave is the same person. Scrutiny of entire charge sheet nowhere suggest that accused and the person named in statement of witness Bhima is one and the same. Therefore, prima-facie, it is difficult to hold that person named as Vanya from village Nimbi is the present applicant.

8. In view of the discrepancy and fact that applicant is behind bars for more than one year, a case is made out for grant of bail.

Hence, the following order.

: O R D E R :

[i] The application is allowed.

[ii] The applicant – Vansing @ Vanya Kochara Vasave, be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- (rupees fifty thousand) with one solvent surety of the like amount, in connection with crime No. 120 of 2023 registered with Molgi Police Station, Dist. Nandurbar for the offences punishable under Sections 305, 354A, 500, 504 of IPC and Sections 4,6,8 and 12 of the POCSO Act and Section 67-C of Information and Technology Act, on the following conditions :-

[i] The applicant shall not tamper with the prosecution evidence,

[ii] The applicant shall attend each and every date before the Sessions Court.

[iv] The application is accordingly disposed of.

**[S.G. CHAPALGAONKAR]
JUDGE**

GRT/-