

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1184 OF 2024

Tausif Kalim Bagwan

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Shaikh Majit S.

APP for Respondent/State : Mr. S.B. Pulkundwar

Advocate for Respondent No.2 : Mr. Ajinkya Reddy (Appointed
Through Legal Aid)

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 20, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim.
2. The applicant seeks bail in Crime No.195 of 2024 registered with Kopergaon City Police Station, District Ahmednagar for the offences punishable under Sections 376, 376(3), 506 of the Indian Penal Code and under Sections 4 and 8 of the Protection of Children From Sexual Offences Act.
3. Learned counsel for the applicant would submit that false allegations have been levelled against the applicant. He did commit no offence as alleged. Since her mother did not pay his fare for transporting her toys, when he asked her to pay. Therefore, false allegations have been levelled against the applicant. There was

inordinate delay of eight months in lodging the FIR. The complaints of abdominal pain were there but nothing is detected in the medical examination that the pains were due to the forceful sex. There are no antecedents to the discredit of the applicant. Hence, he may be granted bail.

4. Learned APP and learned counsel for the victim have strongly opposed the application. They would submit that the victim was 14 years old. The accused had threatened her to kill her mother and under threat, he allowed the applicant to do sex with her. After sex, she had abdominal pain. Hence, she dared to state to her mother. The FIR itself is self-explanatory. The reason for delay was natural. The life of the victim is in danger at the hands of the applicant. The offence is serious. Hence, bail may not be granted.

5. Apparently, there was a delay of around eight months in lodging the FIR. It is not in dispute that the victim was 14 years old. The FIR discloses that the applicant had acquaintance with the family of the victim as he used to transport the toys for his mother. After the abdominal pain, no consequential signs of forceful sex have been detected. The medical examination report is also not strongly supporting the allegations. The delay in lodging the FIR may be explained during the trial. However, considering the facts of the case and the way of committing the alleged crime, the applicant deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Tausif Kalim Bagwan, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that ;
 - (a) The applicant should not tamper with the prosecution witnesses and should attend the trial on each and every date.
 - (b) The applicant should not contact the victim or her mother in any mode or manner till the trial is concluded.
 - (c) The applicant should not enter Kopargaon Taluka, District Ahmednagar for three months from the date of his release.
- (iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad is directed to pay the fees of the appointed counsel for respondent no.2/victim as per schedule.

(S.G. MEHARE, J.)