



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

27 BAIL APPLICATION NO. 1479 OF 2024

ROHIT SANJAY SALVE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Malpani Mohit Rajendra

APP for Respondent/State : Mr.G.O. Wattamwar

Advocate for Respondent no.2 : Mr. Kasliwal Yash Vinod

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CORAM : S. G. MEHARE, J.

DATE : 14th October, 2024.

P.C.:

1. Heard the learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the victim.
2. The applicant seeks bail in Crime No.252 of 2024 registered with Vaijapur Police Station, Tq.Vaijapur, Dist. Aurangabad, for the offences punishable under sections 306, 354(d), 506 read with 34 of the Indian Penal Code, section 66(C) of Information Technology Act, 2000 and section 12 of the POCSO Act.
3. The prosecution case in brief is that the applicant was forcing the deceased to meet him under the threat that if she would not talk to him, he would viral her photographs. She was not willing to meet the applicant, therefore, he had viral one screen shot from video call. Feeling guilty, insulting and due to defamation in the society, the victim committed suicide by jumping in to the well.
4. The applicant has a case that the victim and he were knowing

each other well. They were talking on the mobile phones. However, her parents learnt about their relations. Therefore, her relatives beat him. She was forced to not to meet him. The deceased was knowing well that the applicant was working on petrol pump. However, her family was not happy with his job. Perhaps the deceased was forced to stop meeting him. Therefore, she might have committed suicide.

5. The learned counsel for the applicant argued that CDR of phone number given by him in the statement were not collected. There were no obscene photographs made viral. No weapon is used in the crime. There are no crimes against the applicant. The apprehension expressed by the learned counsel for victim that the applicant may commit similar offence with minor girls has no basis. He is from a good family. Charge-sheet has been filed. Nothing is to be recovered from him. Hence, he deserves bail.

6. The learned APP and the learned counsel for the victim vehemently argued that in fact, section 305 of the Indian Penal Code should have been applied because the deceased was below the age of 18 years. Due to the conduct of the applicant, the deceased had to take drastic step, to end her life. Since the applicant had viral her picture from screen shot, she felt guilty and insulted. Hence she committed suicide. The learned counsel for the victim read the order of the Sessions Court rejecting the bail application and further argued that the punishment for the offence under section 305 of the Indian

Penal Code is death or imprisonment for life or imprisonment for a term not exceeding 10 years with fine. Since the severe punishment is prescribed for the offence punishable under section 305 of the Indian Penal Code, he has added that considering the conduct of forcing her to meet him by blackmailing or making her picture viral, possibility of trapping another minor girls at his hand cannot be ruled out. The deceased has committed suicide only due to the acts of the applicant. Therefore, he does not deserve bail.

7. Perused the papers. The prosecution has an evidence that the applicant had viral her screen shot to some other boys. The applicant has a case that he had love affair with the deceased. However, when her family learnt about her relations, they beat him. This was a case in FIR itself. Thereafter, the deceased committed suicide. The overall facts of the case reveal that the deceased and applicant were acquainted to each other. Possibility of opposing their relations with the poor boy is quite natural. The viral picture is not obscene. Considering his family background, it can not be said at this juncture he would commit similar offence with minor girls. No weapon is used in the crime. He is also young boy of 23 years having no antecedents to his discredit. Trial may take long time. However, the apprehension of the prosecution may be guarded by imposing certain conditions. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **ROHIT SANJAY SALVE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, in the above crime, for the aforementioned offences, on the following conditions :
 - (a) The applicant should not tamper with the prosecution witnesses.
 - (b) He should stay away from village Chinchadgaon, Tq.Vaijapur, Dist. Aurangabad for three months from the date of his release.
 - (c) He should attend the trial on each and every effective date of hearing.

[S. G. MEHARE, J.]