



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 BAIL APPLICATION NO.1524 OF 2024

ANSARKHA NABIKHA PATHAN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Adv. for Applicant : Mr. Sohail Subhedar h/f Mr. Ghanekar N.S.

APP for Respondent-State : Ms. V. S. Choudhari.

Advocate for Respondent No.2 : Ms. Usha N. Jadhav
(Appointed Through Legal Aid).

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CORAM : S. G. MEHARE, J.

DATE : 23.09.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the victim.

2. The applicant seeks bail in Crime No.180 of 2024, registered with Begampura Police Station, District Aurangabad, for the offences punishable under Sections 354, 354-A, 363 of the IPC and Sections 8 and 12 of the POCSO Act.

3. It has been alleged against the applicant that on 30.06.2024 when the victim alone alighted from the bus at Sillod, the applicant forcefully sat her on his bike. She was shouting. When they reached near one hospital, a few boys

came there, they stopped his bike and asked where was he taking the victim. She immediately alighted and the applicant ran away.

4. Learned counsel for the applicant would submit that the applicant and the victim had love affair. However, somebody was learnt about it. Hence, the false report was lodged. The victim was pressurized. No weapon is used. No injury was caused. The applicant is languishing in jail since 27.07.2024. He has no antecedents to his discredit. Hence, he may be granted bail.

5. Learned APP and learned counsel for the victim submit that the act of the applicants were forceful. He has developed a false story of the love affair. For the first time he is claiming the love affair with the victim. He is resident of the same village. The investigation is in progress. He may threaten the victim. Therefore, he may not be granted bail.

6. The facts as discussed above reveals that she alighted from the bus at Sillod and then found travelling with him on a bike. A few people saw them. So, she again alighted from the bike. If really she had objection she could be saved at the bus stand itself. Be that as it may, no weapon is used. There are no antecedents to the discredit of the applicant. The applicant is

languishing in jail for about two months. The material investigation has been completed. Therefore, there is no propriety in keeping him behind bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **ANSARKHA NABIKHA PATHAN** 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, on the following conditions :
 - (a) The applicant should not tamper with the prosecution witnesses.
 - (b) He should not contact the victim in any mode or manner till the trial is concluded.
- (iii) The Secretary, High Court Legal Services, Sub-Committee, Aurangabad do pay the legal fees to advocate Ms. Jadhav as per the schedule.

(S. G. MEHARE, J.)

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vmk/-