

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.2371 OF 2024

Vasim Saifan Shaikh ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Ritesh Thobde with Mr. Ankita P. Rai, Advocate for Applicant.

Mrs. G. P. Mulekar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 13th DECEMBER, 2024

PG:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 696 of 2023 registered with Vijapur Naka Police Station, Solapur, for the offences punishable under Sections 306 read with Section 34 of the Indian Penal Code, 1860 and Section 66-E of the Information Technology Act, 2000.
- 3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that in the complaint filed by the deceased herself few day before suicide, about the sexual harassment, the name of the applicant

does not appear. However, first time his name was figured in the FIR lodged by the father of the deceased.

4) If the FIR is considered, it is evident that the father has alleged that despite the complaint lodged by the deceased to the police and the warning was given by the police to the applicant, he continued to harass the deceased. This allegation in the FIR is contrary to the complaint made by the deceased, before suicide, wherein the applicant was not named and as such no warning was given by the police to the applicant.

5) Furthermore, there is not sufficient material to show prima facie complicity of the applicant in the alleged offence. The applicant is in jail from last one year and in the meantime, the charge-sheet has been filed.

6) Thus, considering the nature of the allegations against the applicant and the material available on record, I am of the opinion that further custody of the applicant is not required.

7) In the circumstances, though the learned App is strongly opposed the application, I am of the opinion that this is the fit case for grant bail.

8) Accordingly, I pass the following order.

ORDER

(i) The Bail Application is allowed;

(ii) It is directed that the Applicant shall be released on bail in Crime No. 696 of 2023 registered with Vijapur Naka Police Station, Solapur, for the offences punishable under Sections 306 read with Section 34 of the Indian Penal Code, 1860 and Section 66-E of the Information Technology Act, 2000, on furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

- iii. The applicant shall attend the said Police Station on 1st day of every month between 10.00 am to 11.00 am, till the conclusion of the trial except on the date of trial;
- iv. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;
- vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]