



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

BAIL APPLICATION NO. 129 OF 2025

. Harshal s/o Prakash Raysing
Age: 21 years, Occu.: Labour,
R/o. Galangi, Tq.Chopda,
District Jalgaon.Applicant

Versus

1. The State of Maharashtra
At the instance of Chopda Rural
Police Station, Tq.Chopda,
District Jalgaon.

2. XYZRespondent

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Advocate for Applicant : Mr. Abhaysinh K. Bhosle
APP for Respondent no.1 : Mr.N.D.Batule
Advocate for Respondent no.2 : Mr.A.B.Chormal (Appointed)

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 24 APRIL, 2025

PRONOUNCED ON : 25 APRIL, 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in crime no.0193 of 2024 registered at Chopda Rural Police Station, District Jalgaon, for offence under Sections 107, 333, 74, 115(2), 3(5) of the Bharatiya Nyaya Sanhita and under Sections 7, 8 and 17 of the Protection of Children from Sexual Offences Act (POCSO Act).

2. Learned counsel pointed out that applicant is arrested in above crime on 11-10-2024. That, he is falsely implicated. That, there was consensual affair between brother of applicant with deceased, who allegedly hanged herself. That, applicant had no nexus with the girl or his brother. That, victim allegedly resided with her grandparents and she allegedly hanged herself on 05-10-2024, but FIR is lodged after six days that too on the strength of CCTV footage wherein present applicant was allegedly seen, but outside the house and not inside the house. Learned counsel pointed out that, infact applicant was looking for his brother and giving him repeated calls. That, applicant has not abetted alleged suicide. That, he is behind bars since long. That, chargesheet is filed on 09-12-2024. Therefore, in the light of above submissions and when there is nothing yet to be recovered or discovered from applicant, he urges for grant of bail on any condition deem fit by this Court.

3. Learned APP opposed application on the ground that a minor girl has committed suicide. That, applicant's brother as well as applicant are seen in the CCTV footage. That, applicant was spotted passing over the house repeatedly and CDR shows that applicant and his brother were in continuous contact during the very period when

deceased allegedly committed suicide. Therefore, according to learned APP, there is incriminating material and hence, he opposes the bail application.

4. Learned counsel for the informant also opposed application on the ground that serious offence is committed. That, there is suicide by a minor girl. That, the offence is committed under the provisions of the POCSO Act and he also apprehends misuse of liberty.

5. Heard. Perused the FIR at the instance of Vishwas Jankiram Raysing. He has reported that his granddaughter namely Gaytri had taken up admission in 11th Standard and was put up with him. That on 04-10-2024, on account of demise of relative, entire family went to attend the last rituals on 04-10-2024. He and his granddaughter were alone left in the house. On 05-10-2024, at around 06:05 a.m. he also went to attend the last rituals at Bholane on Motorcycle and when he returned at 04:00 p.m. the door of the house was found to be closed and inspite of giving knocks, it was not opened and ultimately his wife gained entry on the terrace of their house through the staircase of the abutting relatives's house and he heard shouts of his wife and had learnt that Gaytri had hanged herself. He claims

that matter was reported to Police, but because of his ill-health, he did not lodge report. He claims that on 06-10-2024, he made enquiry and then he learnt that there are CCTV footages, which show that at around 11:02 a.m. Vivek Raysing entered their house and from 11:03 a.m. to 02:14 p.m., Prem Raysing was taking rounds in front of their house while talking on phone. That, similarly, Chandrakant Bhagirath Devraj was also seen going through the stairs of his neighbour and subsequently, CCTV footage shows that Vivek came out of the house and accompanied his brother Harshal Raysing i.e. present applicant on Motorcycle. Hence, holding above persons responsible, he has sought action.

6. Apparently, it is emerging from the FIR that only piece of evidence is CCTV footage. The allegations about gaining entry in the house of informant while deceased was alone, are attributed to non-applicant Vivek. Only role attributed to applicant is that he was taking rounds in front of the house and was ultimately seen taking Vivek on Motorcycle. For offence of suicide, there has to be material indicating abetment, inducement and instigation. *Prima facie* with above material, there does not seem to be any evidence suggesting applicant coming in the contact of deceased in any mode or manner.

Now investigation is over and chargesheet is filed. Therefore, for above reasons, applicant succeeds. Hence, following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Harshal s/o Prakash Raysing be released on bail in connection with Crime no.0193 of 2024 registered with Chopda Gramin Police Station, District Jalgaon, on executing Personal Bond of Rs.20,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not enter into vicinity of village Galangi, Tq.Chopta, District Jalgaon, till conclusion of trial.
- (v) Applicant shall not leave the jurisdiction of concerned Police Station, till conclusion of trial, except for attending effective dates before the Court.
- (vi) Fees of the learned counsel appointed to represent respondent no.2 is to be paid through the High Court Legal Services Sub-Committee, Aurangabad, as per Rules.

(**ABHAY S. WAGHWASE**)
JUDGE