



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 556 OF 2025

Devashish S/o. Tapan Biswas,
Age : 23 years, Occu. : Service,
R/o. Jagoli, Tq. Kalyani, Dist. Nadiya,
West Bengal,
At Present R/o. Ladsawangi,
Tq. & Dist. Chh. Sambhajinagar.

... Applicant

Versus

1. The State of Maharashtra,
Through Police Inspector,
Tq. & Dist. Chh. Sambhajinagar.

2. X.Y.Z.

... Respondent

.....
Mr. A. R. Borulkar, Advocate for Applicant.
Mr. N. D. Batule, APP for Respondent – State.
Mr. M. B. Sandanshiv, Advocate for Respondent No.2.
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 25 APRIL 2025

PRONOUNCED ON : 28 APRIL 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in Crime No.525 of 2024 registered at Karmad Police Station, Dist. Chh. Sambhajinagar for offence punishable under sections 74, 75(1), 75(2), 351(2), 3(5) of Bharatiya Nyaya Sanhita and under sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and section 67 of Information Technology Act, 2000.

2. Taking this court through the papers, it is submitted that, alleged occurrence is of 11.11.2024, but FIR is lodged on 29.12.2024 and precisely therefore FIR being delayed, it is submitted that, it is false implication. Learned counsel took this court through the FIR and would submit that, allegations are of touching by hand and embarrassing. Some photographs are allegedly went viral, but the same are of that time when applicant and victim were well acquainted. That, whatever material was to be seized is already seized. That, applicant is behind bars since four months. That, charge sheet is already filed in February 2025. That, no further recovery or discovery is to be made. According to learned counsel, future course of trial is also uncertain and matter is neither committed nor charge is framed and as applicant is ready to abide all conditions imposed by this court, learned counsel urges for grant of bail.

3. Learned APP opposed on the ground that victim is a minor. On report of victim crime is registered. Her statement is recorded under section 164 of Cr.P.C.. That, both statements are consistent. Learned APP apprehends misuse of liberty, if bail is granted.

4. Learned counsel for informant strongly opposed on the ground that victim is minor. That, Morphed photographs are posted on social medial and applicant is in habit indulging in such activities.

5. Heard. Perused the papers. Apparently as submitted crime is registered on 29.12.2024 on report of victim, who is said to be 16 years of age, regarding occurrence dated 11.11.2024. She has reported that, she was being treated in the hospital of Dr. Roy where present applicant worked as ward boy. According to her, since 08.11.2024 to 13.11.2024 she was given IV saline. Present applicant allegedly tried to come close to her while giving IV saline. She claims that when her sister went to bring medicine, applicant disclosed that he liked her and he tried to pull her and even kissed her after embracing her. That another boy snapped their photographs in such conditions in the mobile and stated that if she informs anyone, such photographs would be made viral and therefore out of fear, she did not report about it. On 28.12.2024, her brother learnt from one boy of their vicinity about present applicant posting photographs on Instagram and hence above report has been lodged.

6. Victim is said to be 16 years of age. In support of it

Aadhar card and photocopies of school admission extract are placed on record. As pointed out that, occurrence which allegedly took place between 11.11.2024 to 13.11.2024, is reported on 29.12.2024 i.e. after huge delay. Allegations are of expressing love, embracing and planting kiss. Investigation is now said to be over and charge sheet is already filed. What is further to be recovered or discovered from applicant is not made known. As pointed out future course of trial is uncertain. Resultantly, for above reasons, relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

- I. The application is allowed.
- II. Applicant Devashish S/o. Tapan Biswas be released on bail in connection with Crime No.525 of 2024 registered with Karmad Police Station, Dist. Chh. Sambhajinagar, on executing Personal Bond of Rs.15,000/- (Rupees Fifteen Thousands only) with one surety in the like amount, on the following conditions:
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
 - [c] The applicant shall not enter the vicinity where the victim and her family members reside till conclusion of trial.

[d] The applicant shall attend the concerned police station once in every week i.e. on every Monday between 10:00 a.m. to 02:00 p.m. till commencement of trial and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)