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

BAIL APPLICATION NO.600 OF 2025

Ayyar @ Athar S/o Ibrahim Chaudhary,
Age: 27 years, Occu.: Labour,
R/o. Wadwal, Tq. Chakur,
Dist. Latur

... Applicant

Versus

1. The State of Maharashtra
2. XYZ.

... Respondents

.....

Mr. P.P.Giri, Advocate a/w Mr. Y.G. Kasod, Advocate for Applicant
Mr. P.K. Lakhotiya, APP for Respondent No.1 – State
Mrs. Nayana Patil, Advocate (appointed) for Respondent No.2

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 25 APRIL 2025

PRONOUNCED ON : 28 APRIL 2025

PER COURT :-

1. Though respondent No.2 is served, none appeared when the matter was called out. Therefore, Mrs. Nayana Patil, learned Advocate is hereby appointed to protect the interest of respondent no.2.

2. Applicant prays for grant of regular bail on account of his arrest in Crime No.0063 of 2025, registered with Shivajinagar Police Station, Latur, District Latur for offences punishable under Sections 74, 75, 78, 352 of the Bharatiya Nyaya Sanhita (BNS) and under Sections 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act.

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3. Learned counsel for the applicant pointed out that, applicant is arrested in above crime on 18.02.2025. He further pointed out that, victim is a resident of Washim and she had come to Latur for preparing for some exams. That, she is 17 years of age and has attained the age of discretion. He further pointed out that, victim claims that she got acquainted with present applicant through her friend and their acquaintance grew in the friendship, which further blossomed into love relation. That, they both started chatting, meeting, and there are various photographs of them together, but none of the photographs are obscene or indecent. He further pointed out that, delayed FIR has been lodged probably under the pressure of father, who learnt about love relation of his daughter with the present applicant. That, there are allegations of catching hand and nothing beyond that. That, on above report, crime has been registered and applicant is taken in custody. Learned counsel took this Court through the WhatsApp messages and photographs annexed with application, and would submit that, now investigation being complete, and charge-sheet being filed on 15.03.2025, no purpose would be served by further detention as future course of trial is also uncertain. As applicant is ready to

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abide all and any conditions imposed by this Court, learned counsel urges for grant of bail.

4. Learned APP as well as learned counsel appointed for respondent No.1 have both strongly opposed on the ground that victim is minor. That, statements of both victim as well as her friend are recorded under Sections 180 and 183 of BNSS. That, ill intention is explicit from his conduct. They both also apprehend misuse of liberty, if at all bail is granted.

5. Heard. Perused the FIR dated 16.02.2025 at the instance of victim's father, who has reported that, his daughter who is 17 years of age, was put up in Latur for preparation of NEET examination and she staying in girls hostel. He claims that, as he fell ill, his daughter learnt about it, and she came to meet him on 03.02.2025, and that time, she allegedly told that, through her friend, present applicant got acquainted with her in January 2025. His daughter also informed that, they were mere friends and they were chatting and even meeting in the vicinity of the classes. He claims that, he learnt from his daughter that, one applicant took his daughter and her friend towards temple for seeking blessings. On 02.02.2025, he alleged called her on phone and sought sexual favour. He also insisted her to come to

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meet, and therefore, she went with her friend at sports complex. Informant claims that, he also learnt from his daughter that, with ill intention he caught her hand, and questioned her for not keeping physical intimacy, and further offered her Rs.2,00,000/-, if she maintains physical relations. When she objected and raised shouts, he allegedly abused her, and even threatened to defame her, and finish her off. On above information report has been lodged.

6. Therefore, *prima facie*, it is emerging that, victim allegedly got acquainted with the applicant through her friend. Friend's statement is also recorded and the same is consistent about victim and applicant getting acquainted with each other, and regularly meeting and chatting. Photographs placed on record do show that they both posed together specifically to snap photographs. The allegations are of catching hold hand and seeking sexual favour, and thereafter issuing threats. As pointed out that, above information is made known to the father-informant only when victim went to see her father at Washim. Now, charge-sheet is filed in March 2025. Papers placed by learned APP show that necessary material is already gathered.

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7. Taking into consideration the annexures comprising of WhatsApp chat, photographs and also taking into account the age of discretion attained by the victim, and when no further purpose is shown to be achieved by continuing the detention of the applicant, application deserved to be allowed. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0063 of 2025, registered with Shivajinagar Police Station, Latur, District Latur, on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not enter the vicinity where informant and his daughter reside as well as the Latur City where informant's daughter undertakes education, till conclusion of the trial, except attending the Courts dates.
 - [c] The applicant shall not make any attempt to establish contact with informant or his daughter in any manner.

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(iii) Fees of learned Advocate, who is appointed to represent cause of respondent no.2 is to be paid by the High Court Legal Services Sub-Committee, Aurangabad as per rules.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane