



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

965 BAIL APPLICATION NO. 1494 OF 2025

1. Vijay Sukhdev Budhiwant
 2. Surekha Vijay Budhiwant
-APPLICANTS**

VERSUS

1. The State of Maharashtra
 2. X.Y.Z.
-RESPONDENTS**

...

Ms. Sunita G. Sonawane, Advocate for Applicants
Mr. S. B. Narwade, APP for Respondent/State
Mr. Mahesh K. Sana, Advocate for Respondent No.2

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 09.09.2025

PER COURT :-

1. In view of the absence of the advocate earlier appointed by order dated 03.09.2025 for Respondent No. 2, Mr. Mahesh K. Sana is hereby appointed to represent the cause of Respondent No. 2.

2. This is an application for granting regular bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with crime No.502 of 2025 registered at Ahilyanagar Taluka Police Station, District Ahilyanagar, for the offences punishable under Sections 107, 108, 352, 351(2), 351(3) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 8, 12 and 17 of the POCSO Act, 2012. The applicants' application bearing Special Case No.201 of 2025 with similar prayer came to be rejected by the learned Additional Sessions

Judge, Ahmednagar, district Ahmednagar, vide order dated 17.07.2025.

3. The informant averred in the report that while his daughter was pursuing her education, the son of the applicants proposed her. The informant visited the applicants' residence to counsel them regarding their son's inappropriate behaviour; however, he was threatened by the applicants. Approximately 15 days later, the applicants' son again proposed to the informant's daughter, this time in a threatening and intimidating manner, stating that he would harm her family if she refused. Thereafter, the informant along with other relatives, tried to search the applicants' son, but he had fled. The informant asked his daughter to file a complaint, but she declined, due to the accused belonging to the Scheduled Castes might falsely implicate her under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The informant's daughter expressed him that she felt humiliated and defamed by the applicants. Furthermore, the applicants had been teasing her by referring to her as their "daughter-in-law" and pressurizing her to marry with their son Sunny. Due to the constant harassment, humiliation and mental agony caused by the applicants and their son, the informant's daughter fell into a state of depression. Ultimately, she committed suicide. Therefore, the report was lodged.

4. The learned advocate for the applicants submitted that there is no

direct material on record to show that the applicants abetted the informant's daughter to commit suicide. He further submitted that the applicants have roots in the society. They will not flee away from the trial. The charge sheet has been filed. He assured that if the applicants are released on bail, they are ready to abide by any conditions imposed by the Court. It is lastly prayed to allow the application.

5. The learned APP for the State and learned advocate for Respondent No.2 strongly opposed the application and submitted that the applicants are involved in a serious offence. They harassed the daughter of the informant, therefore she had committed suicide. The witnesses have stated that the conduct of the applicants particularly their persistent insistence that the informant's daughter marry their son, was a contributing factor to her taking such an extreme step. He further submitted that if the applicants are released on bail, there is possibility that they may pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

6. Perused the charge sheet, particularly the report and statements of witnesses. The informant and the witnesses have stated that the applicants were repeatedly requesting the informant's daughter to marry with their son. At this stage, considering the peculiar facts of the present case and without adverting to the merits of the matter, it would be proper to

allow this application, as the applicants have roots in the society and the trial will take a long period. A case is made out for granting bail to the applicants on the principle that bail is the rule and jail is the exception. Hence, the following order:

::ORDER::

- I. The application is allowed.
- II. The applicants, in connection with crime No.502 of 2025 registered at Ahilyanagar Taluka Police Station, District Ahilyanagar , for the offences punishable under Sections 107, 108, 352, 351(2), 351(3), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 8, 12 and 17 of the POCSO Act, 2012, be released on bail on furnishing personal bond of Rs.25,000/- each with one surety each of the like amount on following conditions:-

- a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
- b) The applicants, except on the date fixed for hearing of the trial, shall not enter in village Gundegaon Taluka and District Ahilyanagar, till the decision of the Sessions Case.

[SANJAY A. DESHMUKH, J.]