



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

BAIL APPLICATION NO. 2084 OF 2024

. Ravindra Ashok @ Appasaheb Pawar
Age: 29 years, Occu.: Business,
R/o. Chapaner, Taluka Kannad,
District Aurangabad.Applicant

Versus

1. The State of Maharashtra
(Through Kannad Rural Police Station
Aurangabad)
- 2) X.Y.Z.Respondents

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Advocate for Applicant : Mr. Nilesh S. Ghanekar
APP for Respondent no.1 : Mr.C.V. Bhadane
Advocate for Respondent no.2 : Mr. Pratik P. Kothari (Appointed)
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CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 16 JANUARY, 2025
PRONOUNCED ON : 17 JANUARY, 2025**

ORDER :

1. Applicant seeks enlargement on bail by virtue of his arrest in
Crime no.0151 of 2024 registered at Kannad Rural Police Station,
District Aurangabad for offence under Sections 107 and 78 of the
Bharatiya Nyaya Sanhita (BNS) and under Section 12 of the
Protection of Children from Sexual Offences (POCSO) Act.

2. By pointing date of arrest of applicant as 19-08-2024, it is put-forth that there is apparently false implication regarding occurrence of suicide dated 19-07-2024 in a belated FIR dated 02-08-2024. Learned counsel for the applicant pointed out that father of deceased has reported that applicant is responsible for suicidal death of his minor daughter. That admittedly, there was love affair between deceased and present applicant. That parents of deceased were also aware of it. He pointed out that informant himself has stated in the FIR that assurance was given about marriage once his daughter attains majority and that thereafter, present applicant had remained completely disconnected from the victim. That there are statements of father and relatives to that extent. He pointed out that on the contrary, victim was herself approaching and visiting applicant's house. That even when applicant had blocked her mobile phone and remained disconnected from her, victim girl herself had despatched three messages on 15-04-2024. That there is nothing to show that applicant was in touch or contact with victim. Learned counsel pointed out that, Police machinery has seized mobile by drawing panchanama and above aspect has cropped up in the same. Learned counsel pointed out that, deceased allegedly hanged herself in her own house. That two weeks after alleged suicide, false and

afterthought complaint has been filed alleging that for two years applicant maintained love relations with victim, assuring and promising to marry with her and subsequently, refused to perform marriage as a result of which, it is alleged that due to mental stress, minor girl committed suicide. He further pointed out now investigation is over and chargesheet is also filed on 10-10-2024. That applicant is behind bars since more than four months, and so he urges for grant of bail.

3. Learned APP, who opposed application, submitted that initially there was love affair, followed by promise to marry. Subsequently, applicant backed of from his earlier promise. This amounts to cheating. That there are statements of witnesses under Section 164 of the Code of Criminal Procedure. That there is material suggesting applicant meeting deceased after giving understanding and even thereafter. That informant father has lodged report that only because of present applicant, his daughter committed suicide. That there are allegations of commission of offence under Section 12 of the POCSO Act. Consequently, for above reasons, learned APP prays to reject the application.

4. Learned counsel for respondent no.2 / victim also pointed out that victim, who was a minor, was first trapped in love affair and thereafter, there were assurances of marriage. That applicant did not keep his word and rather got engaged with another girl. That there are CDRs showing present applicant and victim to be in continuous touch. That applicant is solely responsible for the suicide of victim and there are statements to that extent and he too opposes relief of bail.

5. Heard. Perused the FIR at the instance of Sunil Rustum Bhadait, who has reported Kannad Gramin Police Station on 02-08-2024 that, his deceased daughter was taking education in Champavati Kanya Vidyalaya, Chapaner. Phone calls were being received from present applicant since last two years of the incident and therefore, he was called home and given understanding to not to make phone calls to deceased. Further according to him, on 15-04-2024, he was urgently called by his wife and was told about mobile phone found in possession of their deceased daughter and it was further revealed on enquiry with daughter that their daughter was talking with present applicant. On being questioned, his daughter also informed about love relations with applicant and that

he had given her said mobile. Resultantly, informant claims that present applicant, his brother, father were called for talks in the house and informant clearly states that during talks, it was discussed that deceased and present applicant have love relations, however, girl was yet to attain 18 years of age, she is a minor and after she completes 18 years of age, it was conveyed that her marriage would be performed with present applicant. On such note, the discussion ended and present applicant assured that till she attains such age, he would not call her on her mobile. Informant claims that in May 2024, it was learnt that engagement of present applicant was performed with another girl and therefore, informant and his wife had been to house of applicant to question him, which resulted into heated exchange of words and informant categorically states that after reaching home, events that took place in the house of applicant were duly conveyed to the deceased daughter and it was suggested to their daughter to not to continue relations with the applicant. Informant claims that since then, their daughter was mentally depressed and she also several times expressed that she had no desires to live and was resultantly given understanding, but she had suffered severe mental shock. Then informant reported that once his daughter went to the house of accused, and questioned accused for

maintaining love relations with her but getting engaged to another girl, upon which he drove her out issuing life threats and since then she was under tension. However, as to when and on which date deceased went to the house of applicant is not specified in the report as father only speaks that once his daughter went to house of accused. On 19-07-2024, informant learnt from his son that deceased daughter was not opening door of the room nor responding and so it was required to be break opened, after which, it was revealed that she has hanged herself.

6. Thus, what can be culled out from the contents of above FIR is that initially, there were love relations between deceased and accused. But informant and family members learnt about it and they gave understanding to applicant to keep himself away. Then, informant claims that in April 2024, it was revealed from their daughter itself that she had love relations with accused and that both families sat together and agreed to perform marriage of applicant as well as deceased i.e. once she attains 18 years of age. Later on, informant learnt about engagement of applicant with another girl, went to question him, resulted into heated exchange of words between both families and informant and his wife both conveying

about it to their deceased daughter and further suggesting her to sever ties with applicant and at such point of time itself, parents speak about deceased to be mentally depressed and expressing her desire to end up her life. Victim herself seems to have visited the house of accused to question him, but exactly when has not come on record. Suicidal hanging is admittedly in the house of informant on 19-07-2024, but as pointed out, there is nothing to suggest contact by present applicant in any mode and form with deceased to hold abetment, inducement or instigation.

For above reasons, when investigation is said to be over, and it being not shown about immediate prospects of matter going for trial, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Ravindra s/o Ashok @ Appasaheb Pawar be released on bail in connection with Crime no.0151 of 2024 registered with Kannad Gramin Police Station, District Aurangabad on executing Personal Bond of Rs.25,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.

(iv) 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

SPT