



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

BAIL APPLICATION NO. 2171 OF 2024

. Yusuf S/o. Dada Chaughule
Age: 30 years, Occ. : Business,
R/o. Ghargaon, Tq.Sangamner,
Dist.Ahmednagar.Applicant
(Orig. Accused No.1)

Versus

1. The State of Maharashtra
Through its Investigating Officer,
Ghargaon Police Station,
Tq.Sangamner, Dist.Ahmednagar.
2. X.Y.X.Respondents

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Advocate for Applicant : Mr.Narayan B. Narwade
APP for Respondent no.1 : Mr.C.V. Bhadane
Advocate for Respondent no.2 : Mr.Ajinkya A. Joshi h/f. Mr.S.V. Natu
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 06 JANUARY, 2025

PRONOUNCED ON : 09 JANUARY, 2025

ORDER :

1. Applicant seeks enlargement on bail in Crime no.0283 of 2024 registered at Ghargaon Police Station, Sangamner for offence under Sections 137(2), 87, 123, 64(2), 351(2), 49, 74, 75, 78, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO).

2. Pointing to the FIR, learned counsel for the applicant would submit that applicant is arrested in above crime in July 2024 and is behind bars since then. Taking through the FIR, learned counsel submitted that present applicant merely happens to be friend of main accused, who had acquaintance and relations with victim, who is above 18 years of age. Learned counsel pointed out that there are allegations that present applicant was in the company of the main accused and the victim. As regards to allegations of taking the girl, giving her laced drink to consume, snapping photographs and performing marriage are against main accused. That applicant did not join victim and main accused to Mumbai where alleged episode administration of any drink or performance of marriage or physical intimacy took place and therefore, his implication is apparently unwarranted. Learned counsel pointed out that now chargesheet is already filed. Thus, further custody is not required. That there are no chances of commencement or conclusion of trial in near future and hence, learned counsel urges for grant of regular bail.

3. Learned APP as well as learned counsel for victim / informant have both strongly opposed the application on the ground that victim was lured and forced by present applicant to develop contact and

friendship with main accused namely Shadab Tamboli. That since 2020 till July 2024, the victim has reported that present applicant used to instigate victim to develop acquaintance with main accused. That victim was taken away from custody of her guardian. That she was forced to get intimate and her photographs were snapped and the same were used for pressurizing the victim and blackmailing her. Learned APP and learned counsel for victim pointed out that victim has narrated roles played by the applicant.

Learned counsel for victim / informant pointed out that present applicant is politically connected and that there is every possibility of he misusing his such position in tampering evidence and witnesses. Learned APP further added that investigation revealed a planned conspiracy to lure girls of Hindu Religion and forced them into conversion.

For above reasons, they both have urged to dismiss the application as according to them, investigation revealed present applicant to be all along with main accused in trapping the girl and luring her. Consequently, they both prayed to reject the application.

4. Perused the papers and FIR. Apparently and admittedly victim is said to be barely 19 years of the age. Crime is registered on the

basis of her report on 26-07-2024. On visiting the same, it transpires that she is taking education. She reported that in Jan 2020, present applicant approached her and canvased in the faovur of his friend i.e. Shadab and conveyed her that Shadab is in love with her. She claims that due to above, she developed contact with Shadab. She has narrated the instances which took place in Feb 2020 and 2021 while she was barely in 11th Standard. She reported that, accused Shadab snapped photograph of the victim while she was in his close proximity and thereafter, threatened her to make it viral. As regards to present applicant is concerned, she has stated that on 07-07-2024, while she was proceeding towards her hostel, accused Shadab made a phone call to her and asked her to come at Manchar. When she reached at Machar by S.T., accused Shadab met her there and made her sit in a vehicle. Present applicant was said to be behind the wheels of the said vehicle in which main accused Shadab was also sitting and these two persons allegedly took the girl to Pune. Girl specifically naming present applicant, stated that, he suggested that they all should approach Advocate at Khed Court and they both even threatened her. She has alleged that present applicant made her drink water, but thereafter, she lost sense. She has alleged that she was taken to Chakan and then they proceeded towards Mumbai in

another vehicle. Thereafter, there are allegations against main accused Shadab.

5. Thus, from the report lodged by the victim, it is clear that at the instance of present applicant victim got acquainted with main accused and the girl was taken away to various places. With such material on record, it is not open for the applicant to escape by stating that he is mere friend of main accused. His participation and role is cropping up since beginning. It is he, who has introduced victim to his friend i.e. main accused. Therefore, with such material on record and considering the nature of offence allegedly committed, this Court does not find it a fit case to grant relief at this stage. Hence, the following order :

ORDER

Bail Application No.2171 of 2024 is rejected.

(ABHAY S. WAGHWASE)
JUDGE