



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

BAIL APPLICATION NO. 2201 OF 2024

. Sayan Asit Panda
Age: 22 years, Occu.: Student,
R/o. Hole Wada, Near Teli Chowk,
Old Jalgaon, Shani Peth, Jalgaon,
Taluka & District - Jalngaon.Applicant

Versus

1. The State of Maharashtra
Through Superintendent of Police, Jalgaon,
Taluka & District – Jalgaon.
2. The Investigation Officer of
Shani Peth Police Station, Jalgaon,
Taluka & District – Jalgaon.
3. XYZRespondents

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Advocate for Applicant : Mr.Jitendra Vijay Patil
APP for Respondent nos.1 & 2 : Mr.N.D.Batule
Advocate for Respondent no.3 : Mr.A.E.Madne (Appointed)

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 13 JANUARY, 2025

PRONOUNCED ON : 15 JANUARY, 2025

ORDER :

1. Applicant seeks regular bail in crime no.0150 of 2024 registered on 4-7-2024 at Shanipeth Police Station, Jalgaon for offence under Sections 377, 506, 500 of the Indian Penal Code, under Section 4, 5(l), 6 of the Protection of Children from Sexual

Offences Act and under Sections 66(C) and 67B of the Information Technology Act.

2. Learned counsel for the applicant pointed out that applicant is arrested in above crime on 30-08-2024. That there is false implication. That there is inordinate delay of over eight months in reporting the occurrence. Learned counsel submitted that there are allegations of having carnal intercourse with a boy of 14 years of age. That there is no medical evidence. That report is by mother. That there are allegations of taking nude photographs of victim boy and blackmailing him. On such allegations, mobile of both applicant and boy are already seized. That applicant is barely 21 years of age and he is from other State. He is behind bars since long. He also has health issues. That medical papers to that extent are also placed on record. Now, investigation is over. As nothing is to be recovered and discovered from the applicant, learned counsel prays for relief of regular bail.

3. Learned APP as well as learned counsel for victim have strongly opposed above application on the ground that serious crime is committed against minor. That due to fear and threats, the boy did

not report it earlier. Learned APP pointed out that statement of victim is recorded both under Section 161 as well as under Section 164 of the Code of Criminal Procedure. Learned APP pointed out that obscene photographs, which were snapped, were also made viral and also posted on Instagram. Thus, serious crime has been committed against the minor. They both point out that applicant is from other State and there is every possibility of misuse of liberty, if at all relief prayed is granted.

4. Heard. After considering the submissions of both the sides and on going through the papers, it emerges that report is by mother. She has informed that, her son studied in 10th Standard. That present applicant had come to stay as a tenant in the neighbourhood and he resided with his family. She has reported that, her victim son had been to house of applicant to give company to applicant, who had met with road accident eight months back and his parents and sister had been to the native. Since then informant's victim son was visiting to the house of applicant. She reported that on 17-04-2024, as other children were called on the pretext of some *Pooja* by the present applicant, when he was alone in the house, objection was raised and the landlord asked mother of present applicant to quit the

room. Then, on the next day, present applicant left the said house. Thereafter, getting annoyed applicant threatened the victim boy with dire consequences by making phone calls and told him that due to wrong information given by the victim boy, he was constrained to leave the said premises. On 23-04-2024, informant received 10-12 phone calls from unknown numbers asking her to give said call to the victim boy. Thereafter, she verified the said fact with her brother-in-law. Thereupon, on enquiry, she came to know that applicant was intending to perform marriage with the victim boy and to elope to West Bengal. Thereafter, on 28-06-2024, teacher of the victim boy informed that on the Instagram ID of the friends of the victim boy, certain nude photographs of victim boy are made viral. Consequently, informant claims to have asked the victim boy and thereupon, he narrated that eight months back, when he had been for sleepover to the house of applicant, he was offered laced *Laddu* and nude photographs of the victim boy were snapped by the present applicant. Victim boy thereafter, told that he was forced to submit for carnal intercourse and for oral sex.

On above information, report seems to have lodged by the mother.

5. Now submissions are made that applicant is behind bars since August, 2024 and that chargesheet having been filed and further nothing is to be recovered or discovered, coupled with alleged health issues, relief of bail is pressed into service. Chargesheet carries statements of victim, boy and other students, who are recipients of Instagram messages and posts. Investigating machinery has gathered CDR of several phone calls received by informant mother including that of present applicant and other unknown persons with regard to alleged post on Instagram. Therefore, apparently serious crime has been committed on a minor. Taking into account fact that applicant is from other State, and more particularly, considering the serious nature of allegations and material available on record, this Court is not inclined to grant bail. Hence, the following order :

ORDER

- (i) Application is rejected.
- (ii) Fees of learned counsel appointed to represent respondent no.3 is to be paid through the High Court Legal Services Sub-Committee, Aurangabad, as per Rules.

(**ABHAY S. WAGHWASE**)
JUDGE