



This order is corrected by speaking to the minutes order dated 09.04.2025
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.2359 OF 2024

Hamid S/o Shaukat Sayyed
Age: 23 years, Occu.: Labourer,
R/o. Behind Dinesh Hotel,
Londhevasti, Kalyan Road,
Tq. & Dist. Ahmednagar ... Applicant

Versus

1. The State of Maharashtra
Through Police Station Officer,
Kotwali Police Station,
Tq. & District Ahmednagar
2. X.Y.Z. ... Respondents

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Mr. Sudheer R. Zambare, Advocate for Applicant
Mr. V.M. Chate, APP for Respondent No.1 – State
Mr. N.S. Salunke, Advocate for Respondent No.2

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 07 APRIL 2025

PRONOUNCED ON : 08 APRIL 2025

PER COURT :-

1. Instant application is for grant of regular bail on account of arrest of applicant in Crime No.437 of 2024, registered with Kotwali Police Station, Ahmednagar, District Ahmednagar for offences punishable under Sections 376(3), 342, 354, 354(A), 354(D), 323, 504, 506, 507 r/w Section 34 of the Indian Penal Code and under Sections 3, 4, 8, 12 and 17 of the Protection of Children from Sexual Offences (POCSO) Act and under Sections 3(1)(w(i), 3(1)(w)(ii), 3(1)(5), 3(2)(va), 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

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2. Pointing to the date of arrest of the applicant as 03.04.2024, learned counsel for the applicant submits that, there is false implication. That, there was friendship between applicant and victim. Subsequently, under pressure of family members, story has been developed, more particularly, in supplementary statement. Learned counsel pointed out that, there is delay of one and half month in lodging the report. Learned counsel pointed out that, only applicant called victim once to his house, but victim has as many as twenty calls to the present applicant. That, the girl was not willing to report the incident, but due to political pressure exerted on her, she has named the applicant, as they both belong to different communities. It is further pointed out that, applicant is behind the bars since almost a year. That, now investigation is over and charge-sheet is already filed in April 2024. That, as there are no immediate prospects for matter going for trial, learned counsel urges for grant of bail.

3. Learned APP opposed on the ground that apparently victim is a minor, barely 16 years of age. He pointed out that, on the strength of video recording and the photographs, there is blackmailing and sexual ravishment by issuing threats to make it viral. That, some photographs are already forwarded to the relatives of victim. Even, learned APP points out that both

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applicant and victim are from different communities, and therefore, matter assumes a sensitive complexions.

4. Learned counsel for the informant also opposed on the ground that, videos and photographs were threatened to be made viral, and disadvantage of minor victim has been taken by sexually exploiting her. He also apprehends misuse of liberty if at all bail is granted.

5. Heard. Perused the FIR dated 02.04.2024. The victim lodged report that, she is 16 years of age, and after giving her date of birth as 16.02.2008, she stated that, while she was in 10th standard, in March 2023, she got acquainted with the present applicant, who was residing in the neighbourhood with his mother. She claims that, in October 2023, he contacted on her Instagram and started chatting with her, and once called her to his place, and took their joint photos on mobile. In spite of her request to delete, she claims that, he refused. Then, she reported that in February 2024, threatening to make the photographs viral, he called her to his place, and against her wish he had sexual relations with her, and further threatened to be made the photographs viral, if she informs anyone. Finally, on 30.03.2024, because of the threats, she informed her mother and lodged the above report.

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6. *Prima facie*, what is emerging from the above FIR is that, victim was 16 years of the age at the time of report, and she has stated about getting acquainted with applicant in March 2023 being neighbours. In October 2023, she claims that they started chatting on Instagram, and she also claims to meet him at his place, and after photographs being snapped in his mobile, she claims to have asked him to delete it, then he refused. It is further alleged that, in February 2024, threatening to make videos and photos viral, he called her and also had sexual relations with her against her wish in his house. When he stared further allegedly threatened her, she reported her mother resulting into registration of above crime.

7. Applicant is reported to be 23 years of age. He is arrested in April 2024 i.e. exactly a year back. Now, investigation is already over. What is further recovered or discovered is not made known to this Court. It has also not been pointed out whether the matter has been committed for trial, charges have been framed, or if at all any trial calendar has been drawn up by the learned trial judge. Taking the above nature of the accusations into consideration, apprehension of misuse of liberty is taken care of by imposing stringent conditions. Resultantly, relief deserves to be granted. Hence, the following order:

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ORDER

- (i) Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.437 of 2024, registered with Kotwali Police Station, Ahmednagar, District Ahmednagar 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 of informant's residence or the institution where the victim girl allegedly takes education.
 - [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
 - [d] The applicant shall attend the concerned police station once in a week i.e. on every Thursday between 10:00 a.m. to 02:00 p.m. till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

ABHAY S. WAGHWASE,
JUDGE