



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2100 OF 2024

Kasim s/o Yasin Pathan,
Age 22 years, Occ. Labour,
r/o Ohargaon,
Taluka and District Aurangabad.

... Applicant

Versus

1. The State of Maharashtra
Through P.I. Police Station,
Harsool, Taluka and District
Aurangabad.

2. X. Y. Z.

... Respondents

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Mr. R. G. Hande, Advocate for the Applicant
Mr. C. V. Bhadane, APP for Respondent No.1-State
Mr. D. M. Bhalke, Advocate for Respondent No.2

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 10.01.2025

Pronounced on : 13.01.2025

ORDER :

1. Applicant seeks enlargement on bail in connection with crime no. 0218 of 2024 registered at Harsul Police Station, District Aurangabad for offence punishable under Sections 107, 108, 78, 351(2), 351(3), 3(5) of Bhartiya Nyaya Sanhita [BNS] and Sections 12 and 17 of the Protection of Children from Sexual Offences Act, 2012 [POCSO Act].

2. Learned counsel pointed out that applicant is arrested in above crime on 19.08.2024. Applicant is a young boy in early twenties. Seventeen year old girl of the village allegedly committed suicide by jumping in the well. That, report has been lodged that present applicant had one sided love with deceased and he was bothering her and threatening her. According to learned counsel, there is no material, on the basis of which there was said to be blackmail or threatening. That, entire family was roped in. Rest of the family members are already set at liberty except present applicant. Learned counsel pointed out that there are CDRs which show that the deceased girl was herself in regular contact with applicant even prior to alleged jumping. According to him, this shows that, she too was involved in affair and it is not a case of one sided affair as alleged by prosecution. He pointed out that, family members of the girl were against said relations and therefore, according to him, there is every possibility of girl committing suicide due to such oppose. That, moreover, applicant is behind bars since almost 5 months. Nothing is to be recovered from him and as it would take long time for trial, relief of regular bail is urged for.

3. While opposing the bail application, learned APP as well as learned counsel for the informant, who is assisting APP, would submit

that girl was pressurized and threatened. That, she had not responded to the proposals of applicants. That, there were regular threats due to which the minor girl committed suicide. Therefore, for above reasons, they both pray to reject the application.

4. Heard both sides. It seems that above crime is registered on information of father on 18.08.2024, wherein he reported that deceased daughter, who was 17 years of age and taking education at Aurangabad, and she came home at Ohargaon on account of Rakshabandhan on 17.08.2024. He further reported that on 18.08.2024, while weeping, his daughter informed her mother Swati that applicant and his family members were keeping watch on her. That, applicant called her up to meet him or else he threatened to kill her and her family members. Father claims that his daughter was in terrified condition. Around 11.00 a.m., when they all were about to take meals, call was given to deceased, but she was not found in the house. She was searched and finally her body was found in the well at the backside of their house. On report to above extent, police seems to have registered above crime.

5. Applicant has placed on record photographs of both, victim as well as applicant to be in each other's company. Attention is also invited to CDR carrying mobile numbers of both. *Prima facie*, on such

pointing out to the CDR, it does emerge that there are repeated calls from present applicant to the girl as well as from girl on the mobile of applicant. Last call seems to be made by deceased from her mobile No. 9518551533 to applicant on his mobile No. 9579148087 on 17.08.2024 at around 02.00 p.m. Apparently, victim was in custody of her parents on 17.08.2024 and 18.08.2024. She had jumped in the well on 18.08.2024 right behind their house. Therefore, *prima facie*, in proximity to said jumping, there is no material suggesting any call or contact by present applicant with the deceased. Other applicants are already set at liberty. Now investigation is said to be over. Applicant is reported to be arrested and is behind bars since August 2024. There is nothing to suggest that matter would go for trial in near future. Taking the above material into consideration and more particularly age of the applicant, application deserves to be allowed. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant Kasim s/o Yasin Pathan, be released on bail in connection with crime no. 0218 of 2024 registered at Harsul Police Station, District Chattrapati Sambhajinagar (Aurangabad), on executing Personal Bond of Rs. 15,000/- with one surety in the like amount.

III. The applicant shall not tamper prosecution evidence.

IV. The applicant shall not enter village Ohargaon, taluka and district Chattrapati Sambhajinagar (Aurangabad) till disposal of the case.

[ABHAY S. WAGHWASE, J.]

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