



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

BAIL APPLICATION NO. 2441 OF 2025

Somya @ Somnath Madhukar Chobe,
Age : 36 Years, Occu. : Labour,
R/o Suregaon, Tq. Kopargaon,
Dist. Ahmednagar,
At Present R/o Ashoknagar,
Tq. Shrirampur, Dist. Ahmednagar. .. Applicant

Versus

The State of Maharashtra and another .. Respondents

Shri Satej S. Jadhav, Advocate h/f Shri Kartik R. Sharma,
Advocate for the Applicant.
Mrs. P. V. Diggikar, A.P.P. for the Respondent No. 1.
Ms. Pooja S. Ingle, Advocate for the Respondent No. 2 –
appointed.

CORAM : SHAILESH P. BRAHME, J.
DATE : 18TH APRIL, 2026.

FINAL ORDER :

. Heard both sides. Applicant is seeking enlargement on bail in respect of offence bearing Cr. No. 94/2024 registered with Kopergaon Taluka Police Station, Dist. Ahmednagar for the offences punishable U/Sec. 302, 376(2)(I), 354, 342, 201, 323, 504, 506 r/w Sec. 34 of the Indian Penal Code and U/Sec. 4, 6, 8 and 12 of the POCSO Act.

2. The respondent No. 2 – minor has lodged a report with the police on 20.01.2024. She had to leave her house on 09.01.2024

and required to stay at Shani Shingnapur with Balya Shinde and Anand Manmode for two days. Thereafter, she was taken to place of deceased Nagya Shivram Chavan as she was in love with him. They further proceeded to place of accused No. 1 – Bhurjya @ Arjun and resided there. It is further stated that on 13.01.2024, she was in the company of applicant and co-accused and the deceased Nagya. She was being introduced by Nagya as his fiancée to others. In the night on 13.01.2024 male members had a liquor and there was quarrel. The deceased is alleged to have abused and assaulted her.

3. In the early hours of 14.01.2024 a quarrel took place which culminated into strangulation of the deceased by accused No. 1 – Bhurjya @ Arjun. Applicant is alleged to have held his hands to facilitate the strangulation. It is further alleged that the dead body was destroyed by them by throwing in the pond at a remote place. On 14.01.2024 accused No. 1 – Arjun is alleged to have committed rape forceably. She was being threatened of dire consequences. Applicant is stated to have demanded sexual favour from her, which was denied. In the wake of above allegations applicant came to be arrested on 09.05.2025. The charge sheet was filed on 06.08.2025.

4. In this backdrop, learned counsel Mr. Satej Jadhav would submit that applicant is falsely implicated in the offence in question. The allegations are against one Bhau, who has not been identified during the course of investigation. The sole

statement of the respondent No. 2 is unreliable. She had opportunity to disclose incident of strangulation of her friend when she could approach police on 17.01.2024 by lodging offence bearing Cr. No. 19/2024. There is no direct and indirect material against the applicant except memorandum which is weak piece of evidence. The applicant is being implicated due to the criminal application filed on 20.06.2024 by the sister of the deceased against the respondent No. 2 – informant. No evidence has been collected disclosing age of the respondent No. 2. Though couple of offences are recorded against the applicant, those are not serious in nature.

5. Per contra, learned Assistant Public Prosecutor would submit that informant is eye witness. Her statement U/Sec. 183 of the Cr. P. C. is consistent. There is sufficient material to show that she is of tender age and minor at the relevant time. The spot panchanama, memorandum and statements recorded during investigation would indicate complicity of the applicant. A specific role has been attributed against him for helping the accused No. 1 in strangulating the deceased, destroying body and demanding sexual favours. Considering antecedents, he is not entitled to be released on bail.

6. Learned counsel appearing for the respondent No. 2 has vehemently submitted that due to the threats extended to the respondent No. 2, she was unable to lodge the report immediately. She was consistently under fear. Her statement

U/Sec. 183 of the Cr. P. C. is consistent. There is recovery of nylon rope. If the applicant is released on bail, there is apprehension of danger to the victim, her relatives and witnesses.

7. The incident in question occurred on 13.01.2024 and 14.01.2024. Applicant is alleged to have aided accused No. 1 – Arjun in strangulating Nagya by nylon rope. He is further alleged to have destroyed the dead body with co-accused by throwing it in the pond. He is also alleged to have demanded sexual favour to the respondent No. 2 – informant. Interestingly, first information report refers to incident of 09.01.2024 when the informant was required to leave her mother's house due to grievances against mother. She had been to Shani Shingnapur with Balya Shinde and Anand Manmode. They were staying at Shani Shingnapur for two days. She registered crime bearing Cr. No. 19/2024 on 17.01.2024 against those persons for offence punishable under the provisions of the POCSO.

8. The deceased was a fiance and she was witness to his strangulation, which occurred in the night of 13.01.2024. She could have reported this incident immediately thereafter when she was permitted to go home on the next day. On 17.01.2024 she could approach the police for lodging complaint against Anand Manmode and Balya Shinde, when she was aware of the fact that those persons are close associates of the co-accused. That time she did not feel any fear in approaching the police and

reporting the overt act committed by them. It is incomprehensible as to why she did not report the incident in question atleast on 17.01.2024.

9. It is brought to my notice that one Ribina Bakya Kale, who was sister of the deceased approached Court of law by filing criminal miscellaneous application when deceased was found to be missing. As the law was set into motion against informant. She herself is one of the suspect in eliminating the deceased that could be the reason as to why she approached in lodging the complaint on 20.01.2024. The conduct of the respondent No. 2 is all the while suspicious.

10. The first information report refers to a person as Bhau. Applicant is disputing fact that he is not the same person. The respondent No. 1 has justification in not conducting the test identification parade. However, there is no material collected to show that person as Bhau is the applicant. The statement of Raj Sanjay Dube was recorded, who was with co-accused and he was with deceased on 12.01.2024 and 13.01.2024. He also refers a person as Bhau. Inquiry could have been made with the witnesses so as to identify the applicant as Bhau. Some attempt have been made by the investigating officer to show that applicant is the same person as Bhau. But no statement to that effect is recorded. The identification of the applicant is doubtful.

11. No material is called to show that applicant and deceased

were knowing each other. Accused No. 1 – Arjun had a motive to kill deceased but the same cannot be attributed to the applicant. The statement of victim does not transpire confidence, *prima facie*.

11. The memorandum, recovery of rope and spot panchanama are not sufficient to connect the applicant to the offence in question. Though there are criminal antecedents, stringent condition can be imposed. He is behind bars since 09.05.2025. I am of the considered view that further incarceration is not required. The applicant is entitled to be released on bail. I, therefore, pass following order.

O R D E R

A. The bail application is allowed.

B. Applicant – Somya @ Somnath Madhukar Chobe shall be released on bail in respect of Cr. No. 94/2024 registered with Kopergaon Taluka Police Station, Dist. Ahmednagar for the offences punishable U/Sec. 302, 376(2)(I), 354, 342, 201, 323, 504, 506 r/w Sec. 34 of the Indian Penal Code and U/Sec. 4, 6, 8 and 12 of the POCSO Act on condition of furnishing P. R. bond and S. B. of Rs. 40,000/- (Rs. Forty thousands only) with one solvent surety of like amount.

C. The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

D. The applicant shall cooperate in expeditious disposal of trial.

E. The applicant shall surrender his Aadhar and Pan cards to the investigating officer.

F. The applicant shall stay away from entire Kopergaon taluka, Dist. Ahilyanagar and Gangapur taluka, Dist. Chhatrapati Sambhajnagar till conclusion of the trial, save and except attending the Court at Gangapur for trial.

G. The applicant shall give his mobile/cell number and address to the investigating officer.

H. The applicant shall report to the investigating officer once in a fortnight on Sunday between 10.00 AM to 2.00 PM till conclusion of the trial.

I. The applicant shall not indulge in any criminal activity, which shall entail cancellation of the bail.

J. For rendering assistance Ms. Pooja Ingale, who is called upon by this Court to render assistance in the absence of lawyer appointed by this Court is quantified at Rs. 6,000/- (Rs. Six thousands only)

K. Bail application is disposed of.

[SHAILESH P. BRAHME J.]