

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1825 OF 2017

Shantanu Laxman Nimbalkar & Anr.

... Applicants

vs.

The State of Maharashtra

... Respondent

.....

Mr. Saurabh D. Butala for the Applicant.

Mr. S. R. Agarkar, APP for the State.

CORAM : T. V. NALAWADE, J.

DATE : 21.08.2017.

P.C.:

1. The application is filed for bail in C.R. No. 49 of 2017 registered in Mahad City Police Station for offences punishable under Section 376 (2)(N), 506 read with 34 of Indian Penal Code. Both the sides are heard and papers of investigation are made available.

2. The Applicant No. 2 is the brother of Applicant No.1. The prosecutrix aged about 20 years has given report that she was in touch with Applicant No.1 on Facebook since December 2016. She has made allegation that she was called by Applicant No.1 on 01.11.2017 and then Applicant No.1 took her to one room and thereby using force and by saying that he was in love with her he committed sexual intercourse. It is her allegation that after that he continued to have contact on Facebook. She has made allegation against Applicant No.2 that on one occasion Applicant No. 1 had taken her to a building where the Applicant No. 2 was sitting in his office. She has made allegation in supplementary statement that on that occasion threats were given by the Applicant No.2 to her.

3. In view of the aforesaid nature of the allegation and as the Applicants are behind bar since 10th July 2017 and as it is not certain as to how much time will require for filing charge sheet and completion of

the trial, this Court holds that it is not desirable to keep them behind the bars till the disposal of the case which may be filed against them. In the result application is allowed. Both the Applicants are to be released on bail on furnishing PB of Rs.30,000/- by each of them with one or two sureties of like amount. They are not to tamper with the prosecution witnesses. They are not to commit similar offence. They are not to enter Kol Post Kotheri Tq. Mahad till the disposal of the case which may be filed against the applicants.

(T. V. NALAWADE, J.)