

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

22 BAIL APPLICATION NO.1350 OF 2020

ANKUSH LAXMAN KAPSE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant: Mr. N D Sonwane h/f Jadhav V.B.
APP for Respondent : Mr. R V Dasalkar

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CORAM : V.K. JADHAV, J.
Dated: December 01, 2020

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PER COURT :-

1. The applicant is seeking regular bail in connection with Crime No.113 of 2020 registered with Gategaon Police Station, District Latur for the offences punishable under sections 363, 376 (1) r/w 34 of the Indian Penal Code and under section 4 and 17 of the POCSO Act. His application with similar prayer Exh.6 in Special Case (POCSO) No.62 of 2020 came to be rejected by the learned Extra Joint District Judge and Additional Sessions Judge, Latur vide order dated 28.10.2020.

2. Learned counsel for the applicant submits that allegations have been made mainly against co-

accused Siddhanath Ankushe for having committed an offence of Kidnapping and commission of rape. So far as the present applicant is concerned, it has been revealed during the course of the investigation that the applicant has helped the victim and co-accused Siddhanath. Learned counsel submits that the applicant is a young person. He is taking education. There is no criminal history. Investigation is now over and charge-sheet has been submitted. The applicant is in jail since 26.8.2020. The applicant may be released on bail.

3. Learned A.P.P. has strongly resisted the application on the ground that the victim has ascribed the specific role to the present applicant. The applicant has dropped the victim and co-accused Siddhanath at the bus-stand. The applicant himself has driven the motorcycle and victim and said co-accused Siddhanath were the pillion riders. Prima facie, there is strong case against the applicant. The applicant may not be released on bail.

4. On going through the allegations made in the complaint and on perusal of the charge-sheet, it appears that the allegations have been made mainly against co-accused Siddhanath, who is still behind bars. So far as the present applicant is concerned, it has been revealed during the course of the investigation that he has helped the victim and co-accused Siddhanath while proceeding towards the bus-stand. The applicant was the rider of the motorcycle and victim and co-accused Siddhanath were the pillion riders over the said motorcycle. Further the victim has not stated anything as against the applicant in her statement recorded under section 164 of the Cr.P.C. before the Magistrate. There is no criminal history. The applicant is in jail since long. Investigation is over and charge-sheet has been submitted. Thus, by imposing certain conditions, I am inclined to release the applicant on bail. Hence, following order.

O R D E R

I. Application is hereby allowed.

aaa/-

II. The applicant ANKUSH LAXMAN KAPSE in connection with Crime No.113 of 2020 registered with Gategaon Police Station, District Latur for the offences punishable under sections 363, 376 (1) r/w 34 of the Indian Penal Code and under section 4 and 17 of the POCSO Act, be released on bail on furnishing Personal Bond of Rs.5,000/-(Rs. Five Thousand) with one surety of the like amount, on the following conditions :-

a] The applicant shall not tamper with the prosecution evidence, in any manner.

III. Bail application is accordingly disposed off.

(V.K. JADHAV, J.)

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