

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

24 BAIL APPLICATION NO.1359 OF 2020

CHANDRAMORE GANGARAM MORE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Jaju Nikhil S
APP for Respondent : Mr. A A Jagatkar

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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.7 of 2019 registered with Kotwali police station, Parbhani, District Parbhani for the offences punishable under Sections 376, 354, 420, 323, 504, 506, r.w. 34 of Indian Penal Code. His application bearing Cri.M.A. 282 of 2020 with similar prayer came to be rejected by the learned Additional Sessions Judge, Parbhani vide order dated 1.6.2020.

2. Learned counsel for the applicant submits that investigation is now over and charge-sheet has been submitted. The applicant is in jail in connection with the present crime since 4.3.2020. Learned counsel

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submits that the informant is a married woman having four children and out of those four children, three got married. The informant is a neighbour of the applicant. It has been alleged in the complaint that under the false promise of marriage, the applicant had committed rape on her. The learned counsel submits that during the course of the investigation, supplementary statement of the victim came to be recorded, however, in the supplementary statement, victim has narrated altogether different story. There is no criminal history. The applicant is in jail since long. The applicant is ready to abide the conditions. The applicant may be released on bail.

3. Learned A.P.P. has strongly resisted the application on the ground that, prima facie, there is strong case against the applicant. Informant has made specific allegations against the applicant for having committed rape on her under the false promise of marriage. 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 on the basis of the complaint lodged by the victim before the Magistrate, necessary directions under section 156 (3) of Cr.P.C. have been given and accordingly present crime came to be registered. Informant/victim is a married woman having two sons and two daughters and out of them three got married so far. There are vague allegations. Furthermore, as stated in the complaint, first incident had taken place on 17.7.2018. There is an inordinate delay in lodging the complaint. Though, there are allegations about commission of rape under the threats and also under the false promise of marriage, however, the informant is a married woman and she could have lodged the complaint immediately in the police station. Some of the witnesses in their police statements have stated that the applicant and informant were residing together as husband and wife for certain period. Thus, considering the nature of the allegations, and since investigation is

over, I am inclined to release the applicant on bail.

Hence the following order :-

O R D E R

- I. Application is hereby allowed.
- II. The applicant CHANDRAMORE GANGARAM MORE in connection with crime No.7 of 2019 registered with Kotwali police station, Parbhani, District Parbhani for the offences punishable under Sections 376, 354, 420, 323, 504, 506 r.w. 34 of Indian Penal Code be released on bail on furnishing personal bond of Rs.20,000/- (Rs. Twenty Thousand) with one solvent surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence in any manner.
- III. Application is disposed off.

(V.K. JADHAV, J.)

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