

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

930 BAIL APPLICATION NO.618 OF 2021

**SUNIL SITARAM PAWARA
VERSUS
THE STATE OF MAHARASHTRA**

Shri. S. A. Gaikwad, Advocate for the applicant
Shri. S. D. Ghayal, APP for the respondent/State
Shri. Nitin N. Jagadale, Advocate for respondent No. 2.

CORAM : M. G. SEWLIKAR, J.

DATED : 31st August, 2021

PER COURT :-

1. Heard.
2. Prosecution case is that the informant/victim is the sister-in-law of the applicant i.e. the applicant's wife's sister. It is alleged that the victim was a pillion rider on the motorcycle of the applicant. The applicant was taking her to village Sendwa. Midway, the applicant committed rape on her without her consent. The applicant ran away leaving her alone to fend for herself. Applicant somehow managed to come home and lodged the report against the applicant.

3. FIR came to be lodged on the basis of these allegations under Sections 376(2)(N) of the Indian Penal code and under Sections 3 and 4 of the POCSO Act.

4. Learned counsel Shri. Gaikwad for the applicant submits that the victim in a statement under Section 164 of the Code of Criminal Procedure has resiled from the contents in the FIR. He further submits that neither medical report nor CA report indicates that there was sexual intercourse between him and the victim. He further submits that having regard to this applicant be released on bail.

5. Learned APP Shri. Ghayal strongly objected to release the applicant on bail. He submits that applicant breached the trust between him and the victim. The victim is the sister-in-law of the applicant. Still he indulged in such activities.

6. Learned counsel Shri. Jagadale for the informant adopted the arguments of learned APP.

7. Statement under Section 164 of the Code of Criminal Procedure shows that the victim has stated that no such incident as narrated in the FIR had taken place. Medical report does not show any evidence of a sexual assault. CA report also states that no blood or semen was detected on the clothes of the victim. Having regard to this, I am inclined to release the applicant on bail. Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 164 of 2020 under Section 376(2)(N) of the Indian Penal Code and under Sections 3 and 4 of the POCSO Act registered with Devgaon Rangari Police Station, Aurangabad
3. Application is disposed of.

[M. G. SEWLIKAR, J.]

ssp