

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

20 ANTICIPATORY BAIL APPLICATION NO.773 OF 2021

Mr. Shankar Vithal Yewale,
Age-27 years, Occu-Agri,
R/o. Pimpal Gaon Sonkhed,
Tq. Loha, Dist. Nanded

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

Mr. Nilesh S. Ghanekar, Advocate and Ghanekar Varsha S.,
Advocate for the applicant
Mr. N. T. Bhagat, APP for the respondent/State

CORAM : SANDEEP K. SHINDE, J.

DATE : 23-07-2021

P. C.

. The complainant (prosecutrix) allege that her next door neighbour Tanaji committed sexual assault on her. She reported the incident to Tanaji's wife. Whereafter on 05-06-2021 when Tanaji's wife and her brother (applicant herein) had been to the house of the prosecutrix she would allege the applicant held her hand and demanded the sexual favours. The incident was reported to the police. Whereafter, Crime No. 177 of 2021 was registered with Vimantal Police Station for the offences punishable under Sections 376(1), 294, 354, 504, 506, and Section 34 of the Indian Penal

Code against the Tanaji and his family members. Primary evaluation of the complaint suggests it is a case of false and over implication. The applicant is neither next door neighbor of the complainant nor the complainant had acquaintance with the applicant in past. The applicant is residing at Pimpalgaon Sonkhed whereas the complainant is ordinarily residing at Bondhar, Dist. Nanded.

2. In consideration of the facts of the case, in my view prima-facie, it is a case of over implication and therefore, the custodial interrogation of the applicant shall not further the prosecution case.

3. For the reasons stated above, the application is allowed.

4. In the event of arrest in connection with the Crime No. 177 of 2021 was registered with Vimantal Police Station for the offences punishable under Sections 376(1), 294, 354, 504, 506 and Section 34 of the Indian Penal Code, the applicant shall be released on bail on executing bond in the sum of Rs. 25,000/- [Rupees Twenty Five Thousand] with one or more sureties in the like amount. The applicant shall join the investigation as and when called by the Investigating Officer.

[SANDEEP K. SHINDE, J.]