

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

BAIL APPLICATION NO. 832 OF 2022

Somnath Vishwanath Karale

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. P.S. Anerao, Advocate for applicant

Mr. N.T. Bhagat, A.P.P. for respondent – State

Mr. A.R. Muley, Advocate h/f Mr. M.P. Kale, Advocate for intervenor

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CORAM : R.G. AVACHAT, J.

DATE : 22nd JULY, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 122 of 2022 registered with Palam Police Station, Dist. Parbhani for the offences punishable under Sections 376(2)(n), 354-A, 354-D and 506 of the Indian Penal Code.

2. Heard. Perused First Information Report ("F.I.R.") and related police papers.

3. Learned A.P.P. and learned counsel for the intervenor strongly opposed for grant of application.

4. The F.I.R. has been lodged by the victim herself on 24th May, 2022 in relation to the offence of rape allegedly committed by the applicant herein on 23rd March, 2022. It is true that in F.I.R. some incident is shown to have happened on the date immediately before the F.I.R. was lodged. But said incident does not speak about sexual assault by the applicant herein. Medical evidence would be of little assistance for prosecution since victim is a married woman. The F.I.R. has been lodged two months after the alleged incident of rape. Investigation is over. Charge-sheet has been filed.

5. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released, in connection with Crime No. 122 of 2022 registered with Palam Police Station, Dist. Parbhani for the offences punishable under Sections 376(2)(n), 354-A, 354-D and 506 of the Indian Penal Code, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)