

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

BAIL APPLICATION NO. 1180 OF 2022

Akshay Dhondiba Kshirsagar	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Sachin B. Darwande, Advocate for applicant
Mr. S. P. Sonpawale, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 29th AUGUST, 2022

PER COURT :-

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0066/2022, registered at Railway Police Station, Nanded, District Nanded for the offences punishable under Sections 394, 325, 376(D) of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and related papers.

3. The FIR has been lodged by the victim herself on 21.01.2022. It is her case that she was travelling along with her

brother in a train from Manmad to Dharmabad. While both of them got down at Dharmabad Station, on the intervening night of 20th and 21st January, 2022, the applicant and one another person took her to a nearby secluded place. Both of them committed rape of the informant and even robbed her of gold ornaments worth Rs.75,750/-, including cash .

4. With the assistance of the learned APP and the learned Advocate for the applicant, I have gone through the relevant police papers to find that there is statement of one Pratap Kadam - R.PF., recorded on 28.01.2022. In his statement, it has been recorded that the lady, complained him to have been robbed of her ornaments and cash amount. Later on, she claimed to have been sexually ravished by both of the culprits.

5. Admittedly, the victim refused to be medically screened. In her first statement, she claimed to be of thirty years of age. In the subsequent statement, she claimed of 42 years. Even in her earlier statement, the person travelling with her was stated to be her brother. She, then, changed her version to contend that fellow was no were related to her and was merely of acquaintance.

6. On investigation, the charge-sheet has been filed. The offence of rape appears to have been ruled out, since the victim refused to undergo medical examination. The jewellery has been recovered. The applicant has been in jail since 21.01.2022. It will take time for commencement and conclusion of trial. In the aforesaid backdrop, the Court is inclined to grant the applicant, bail. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0066/2022, registered at Railway Police Station, Nanded, District Nanded for the offences punishable under Sections 394, 325, 376(D) of the Indian Penal Code, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

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