

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

BAIL APPLICATION NO. 1199 OF 2022

Sunil @ Balu Gangadhar Karale	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Umakant B. Deshmukh, Advocate for applicant
Mr S. P. Sonpawale, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 23rd 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.0154/2021, registered at Mukhed Police Station, District Nanded, for the offences punishable under Sections 376, 336, 323, 506 of the Indian Penal Code.

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

3. This is second bail application of the applicant. Earlier one was withdrawn with liberty to move after receipt of Chemical Analysis (C.A.) report.

4. The learned APP would submit that the C.A. report indicates that there were blood stains on the nicker of the victim. The blood stains were of blood group 'O'. Both, the applicant and the victim are of blood group 'O'. He, therefore, urged for rejection of the application.

5. After having gone through the police papers, this Court finds it to rely on the police papers. Even though the Court was not inclined to grant the applicant bail on first occasion.

6. Admittedly, the incident took place on 30.05.2021. The FIR has been lodged 2 ½ days thereafter on 01.06.2021. The matter doesn't end there. The informant had already registered a non cognizable complaint against the applicant herein in relation to the same incident on the previous days. A copy thereof has been placed on record. It has been alleged therein that the applicant came from behind while she was on way. He pulled her hair. Tried to thrash her and even slapped. In the incident, 'Mangalsutra' of the informant was fallen. She, therefore, took her to heels to save herself.

7. The informant was medically screened on registration of the crime. The medical examination report therefore may not be of much help for the prosecution.

8. Since there was delay of 2 ½ days in lodging of the FIR and on the previous day, non cognizable complaint was registered relating to the same incident, this Court finds it to a case 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.0154/2021, registered at Mukhed Police Station, District Nanded, for the offences punishable under Sections 376, 336, 323, 506 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.]