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

BAIL APPLICATION NO.1857 OF 2022

**PRATIK @ PAPPU SAHEBRAO SANGVIKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Angad L. Kanade, Advocate for applicant;
Mr. K. S. Patil, A.P.P. for respondent No.1/State;
Ms. Vinaya Muley-Dharurkar, Advocate holding for Mr. Chaitanya V.
Dharurkar, Advocate for Respondent No.2 /
Mr. Sayed Azizuddin Rahimoddin, Advocate for respondent No.2
(*appointed* Through Legal Aid)

CORAM : S. G. MEHARE, J.

DATE : 19th December, 2022

PC.

1. Learned counsel Ms. Muley-Dharurkar states that she appears for the complainant. She has filed *vakalatnama*.
2. Learned counsel Mr. Sayed Azizuddin Rahimoddin as per directions of this Court, was appointed by the Secretary, High Court Legal Services Sub-Committee, Aurangabad. He stands discharged. However, he has rendered his substantive services till disposal of the application. Therefore, the Secretary, High Court Legal Services Sub-Committee, Aurangabad, is directed to pay him legal fee as per the scheduled.

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3. Heard the learned counsel for the applicant, learned A.P.P. for respondent No.1/State and the learned counsel for the respondent No.2/complainant.

4. It reveals that the complainant and the accused and his family were not in good terms and lodging reports against one another. The papers placed on record also reveal that the villagers have made a request to the Superintendent of Police, to take action against the complainant as she has allegedly involved various villagers in the similar crimes. There were reports against reports.

5. In the above back ground, the learned counsel for the applicant would submit that the applicant was having sexual relationship with the complainant since last five years. He never assaulted her. The falsity of her allegations can be gathered from the investigation that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has been made out. She is misusing the weapon of the protection granted to her under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. There was inordinate delay in lodging the report. The applicant is languishing behind bar since 25.06.2022. Hence, he may be granted bail.

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6. Learned A.P.P. and the learned counsel for the complainant would submit that there is material showing that on the date of the incident, the victim suffered fractured injury. Refusal to get the treatment has no concern with the incident of the assault. It corroborates the incident. Other persons have filed complaints against the victim. The incident has happened as alleged. Since the applicant is behind bar, his wife lodged a false report against the son of the victim. That shows the influence of the applicant. It would be harmful to release the applicant on bail.

7. The papers in all reveal that the family discord occurred in the family life of the applicant. The wife of the applicant was complaining about the relationship of the applicant with the victim. The villagers appear to have been harassed. Hence, a representation was sent to the Superintendent of Police for action against the prosecutrix. The over all atmosphere of the village appears not healthy. The possibility of having consensual relations can also not be brushed aside. There appears no substantial ground to make the allegations of committing rape against the applicant. The applicant is behind bar. His family and the family of the prosecutrix has history of lodging reports against each other. Hence, it cannot be accepted that the wife of the applicant has lodged the report against the son of the

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prosecutrix at his instance. In fact, the wife of the applicant is also against the applicant.

8. The investigation has been completed. The chargesheet has also been filed. The over all allegations of the case do not permit conscience of this Court to keep the applicant behind bar. However, the interest of the prosecutrix can be protected by imposing certain conditions. Hence, the following order:-

- i) Application is allowed.
- ii) Applicant Pratik @ Pappu Sahebrao Sangvikar be released on bail, on furnishing PB and SB of Rs.50,000/- with one solvent surety of the like amount, in C.R.No.146 of 2022 registered with Washi Police Station, Taluka Bhoom, District Osmanabad, for the offence punishable under Sections 376(1), 325, 326, 452, 323, 504 and 506 of the Indian Penal Code (Sessions Case No.37 of 2022 pending before the Additional Sessions Judge, Bhoom, District Osmanabad), on the condition not to enter village Andrud, Taluka Boom, District Osmanabad, till conclusion of the trial.

(S. G. MEHARE, J.)

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