

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

933 BAIL APPLICATION NO.1 OF 2022

**SHASHIKANT @ MONYA S/O DADARAO GALFADE
VERSUS
THE STATE OF MAHARASHTRA**

Shri. S. J. Salunke, Advocate for the applicant
Shri. G. O. Wattamwar, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.
DATED : 21st January, 2022**

PER COURT :-

1. Heard.
2. Accused Ram Rasal is a labour contractor. As per the narration in the FIR, it appears that in installments, accused Ram Rasal had paid Rs.77,500/- to the informant and her family members. Her family consists of six persons. But the informant and her family members were not ready to go for work of sugarcane cutting. Therefore, on 20th September, 2021 accused Ram Rasal volunteered to take the informant to the place of work i.e. at Latur on motorcycle. Informant agreed to that. Therefore, accused Ram Rasal and the informant started journey from Rathi Nandgaon to Latur

on motorcycle. Applicant was riding the motorcycle. He took the motorcycle via Bhatkheda. On the way he stopped the motorcycle and committed rape on the informant. On these allegations FIR came to be lodged on 22nd September, 2021 under Sections 376 read with Section 34 of the Indian Penal Code.

3. Learned counsel Shri. Salunke submits that just to avoid repayment of money this false case has been filed. He submits that the tenor of the FIR itself shows that the informant neither wanted to repay the money nor she had any desire to do the work of sugarcane cutting. For that reason, this false complaint has been filed. He submits that what role the applicant has played cannot be discerned from the FIR.

4. Learned APP supported the order of the learned Additional Sessions Judge.

5. On perusal of the FIR it is seen that informant

was traveling on motorcycle with applicant and accused Ram Rasal. Ram Rasal was driving the motorcycle. She has alleged that accused Ram Rasal committed rape on her on the way. She has not attributed any role to the applicant. FIR is consequently silent about the role of the applicant in the commission of the offence. Applicant has no criminal antecedents. Therefore, he is not likely to commit similar offence again. Hence following order is passed.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 232 of 2021 under Section 376 read with Section 34 of the Indian Penal Code registered with Latur Rural Police Station, Dist. Latur, on condition that he shall not interfere in the investigation, shall not pressurize the witnesses and shall attend the concerned police station as and when called upon by the Investigating Officer to do so.
3. Application is disposed of.

4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M. G. SEWLIKAR, J.]

ssp