

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 763 OF 2022

Shivaji Ashok Mane **Versus** State of Maharashtra, thr. PSO., PS Bibi, Tah. Lonar,
District Buldhana.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.S.Dhore, counsel for the applicant.

Shri T.A.Mirza, A.P.P. for the non-applicant/State..

CORAM : ANIL S. KILOR, J.

DATED : 02/08/2022

1. The applicant is seeking bail in connection with Crime No.134/2020, registered with Police Station, Bibi, Tah. Lonar, District Buldhana, for the offences punishable under Sections 376(1), 354, 354-A, 354-A(1) (i), 323 and 506 of the Indian Penal Code.

2. The learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence.

3. He submits that the document at page number 94 of the record, shows that there was a love affair between the applicant and the complianant. He, therefore, submits that considering the said fact and further the contradictions in the statements of witnesses, there are very less possibility of being convicted .

4. It is further submitted that, the charge-sheet has been filed and in that view of the matter further custody of the applicant is not necessary.

5. Thus, he submits that considering the allegations in the FIR and material collected by the Investigating Officer during investigation, further custody of the applicant is not necessary. Accordingly, he prays for grant of bail.

6. On the other hand, learned APP strongly opposed the present application.

7. I have perused the charge-sheet, FIR and the application along with the documents filed alongwith it.

8. From the document filed at page No. 94 of the application titled as 'settlement', it appears that there was a love affair between the applicant and the complainant.

9. Thus, considering the relations between the applicant and the complainant and the allegations made in the FIR coupled with the medical evidence, I am of the opinion that, as the investigation is completed and the charge-sheet has been filed, further custody of the applicant is not necessaery.

10. Moreover, there is nothing to point out that if the applicant is released on bail, there is every possibility that he may pressurize the prosecution witnesses or he will not be available for trial. In that view of the matter, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant in connection with Crime No.134 of 2020, registered with Police Station Bibi, Tq. Lonar, District Buldhana,

for the offences punishable under Sections 376(1), 354, 354-A, 354-A(1)(i), 323 and 506 of the Indian Penal Code, the applicant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety of the applicant.

- c) The applicant shall attend the concerned Police Station on 1st day of each month between 10.00 am to 12.00 noon till culmination of trial, except for the trial.
- d) The applicant shall not tamper with the prosecution witnesses.

[ANIL S. KILOR, J.]