

1

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPEAL NO.827 OF 2022

Anil @ Annu Pandurang Kainge,
Age 30 years, occupation - labour, r/o Hiwarkhed,
Tahsil Telhara, district : Akola. **Appellant.**

:: V E R S U S ::

1. State of Maharashtra, through Police
Station Officer, Dharni Police
Station, tahsil Dharni, district Amravati.

2. XYZ (victim) in Crime No.178/17,
Though Police Station Officer, Dharni
Police Station, tahsil Dharni, district
Amravati. **Respondents.**

=====

Shri R.Siddharth, Counsel for the Appellant.
Ms A.Kolhe, Counsel Appointed for Respondent 2/Victim.
Shri N.S.Rao, Additional Public Prosecutor for Respondent 1/State.
=====

CORAM : **ROHIT B.DEO & URMILA JOSHI-PHALKE, JJ.**
Date : **08/12/2022**

ORAL JUDGMENT (Per : Rohit B.Deo, J.)

1. This appeal is directed against the order dated 21.1.2022 rendered by learned Additional Sessions Judge, Court No.2, Achalpur in Criminal Bail Application 30 of 2022 whereby the application seeking bail is rejected.

2. Our attention is invited to the order dated 19.11.2019 in Criminal Appeal 632 of 2019 preferred by co-accused Mangesh

2

whereby this Court allowed the appeal and released Mangesh on bail.

3. We have scrutinized the record. The case of the appellant stands on a better footing inasmuch as while the victim alleged that it was Mangesh, who established sexual relationship with her, no such role is assigned to the appellant.

4. The appellant is in jail since 21.2.2019.

5. We see no reason why the appellant should languish in custody.

6. The appeal is allowed.

7. The appellant be released on bail subject to such terms and conditions as may be imposed by the learned Trial Judge.

8. The fees of learned counsel Ms A.Kolhe appointed for respondent 2/victim be quantified and paid as per Rules.

(URMILA JOSHI-PHALKE, J.)

(ROHIT B.DEO, J.)

!! BrWankhede !!

**BHUSHAN
RANA
WANKHEDE**

Digitally signed
by BHUSHAN
RANA
WANKHEDE
Date:
2022.12.09
16:05:53 +0530

...../-