

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

BAIL APPLICATION NO.61 OF 2023

**SHAIKH SULTAN SHAIKH DAUT
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Deshmukh Ravindra M.
APP for Respondent/State : Mr. S.P. Sonpawale

...
CORAM : S.G. MEHARE, J.

DATED : JANUARY 18, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The allegations have been levelled against the applicant that he did sex with a girl, who was not mentally fit. However, the medical report does not support the allegations. The applicant has a case that he has been falsely implicated in the crime. No incident as such happened. The complainant has grievance against the applicant that why he was giving her bidis. Though the allegations are serious and the victim was in a weaker section, the medical evidence is missing. The complainant did state nothing against the applicant in statement under Section 164 of Criminal Procedure Code. The complainant was not able to give oral statements before the Magistrate; hence, the assistance of her sister was taken. By the gestures, she stated before the learned Magistrate that her clothes

(2)

were removed by him and she was beaten. Though the case is apparently serious, but it does not corroborate the allegations.

3. In view of these peculiar circumstances, the application deserve to be allowed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Shaikh Sultan Shaikh Daut, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.315 of 2022, registered at Ghansawangi Police Station, District Jalna for the offence punishable under Section 376 (2)(J)(L), 506 of the Indian Penal Code, on the condition that he shall not tamper with the prosecution witnesses and shall not contact the witness or victim in any way or mode, till the conclusion of trial.

(S.G. MEHARE, J.)