

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

BAIL APPLICATION NO.123 OF 2023

MANGESH GULABSING VASAVE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicants : Mr. Shaikh Samir Ahmad Saifuddin
APP for Respondent No.1: Mr. S. B. Narwade
Advocate for Respondent No.2 : Mr. A.R. Sayed
(appointed Through Legal Aid)

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CORAM : S. G. MEHARE, J.

DATE : 27.04.2023

PER COURT :

1. Heard the learned counsel for the applicants, the learned A.P.P. for respondent No.1/State and the learned counsel for respondent No.2/ the victim.
2. The applicants are seeking bail in Crime No. I-33/2022 registered with Police Station Molgi Dist. Nandurbar for offences punishable under Sections 302, 201, 376, 376(2), (i)(j)(m), 376(D) read with Section 34 of the Indian Penal Code and Sections 3,4,5,6(g),(l),(m),(n) of the the Protection of Children From Sexual Offences Act, 2012.
3. After hearing the learned counsel for the applicants the

Court expressed disinclination to grant bail to the applicant No.1 Mangesh Gulabsing Vsave, the learned counsel for the him, on instructions, seeks leave to withdraw the application to the extent of applicant No.1. Leave granted. Hence, the application stands dismissed as withdrawn.

4. Perused the charge sheet. After hearing both the parties it is revealed that except one witness, nobody is saying that the accused was seen with the co-accused and the deceased together. There is bare statement of one eye witness who says that the applicant was going away from the house of the deceased at dawn. The DNA report is negative against the applicant. Considering the material before the Court, it reveals that there is no direct and other incriminating evidence against the applicant. Therefore, he deserves bail. Hence, the following order :-

ORDER

- (i) The application is partly allowed.
- (ii) Applicant No.2 Ravit S/o Dilya Vasave be released on bail on furnishing P. B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in aforementioned crime registered with aforementioned police station, on the following conditions :-

- (a) He shall not tamper with the prosecution witnesses.
- (b) He shall attend the trial on each and every date.

(S. G. MEHARE)
JUDGE

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