

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

**BAIL APPLICATION NO.176 OF 2023
WITH APPLN/697/2023 IN BA/176/2023**

**AMOL SUNDAR CHAVAN
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. A. V. Lavte
APP for Respondent: Mr. S. B. Narwade
Advocate for the respondent No.2/victim : Mr. S. B. Bhosale

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CORAM : S. G. MEHARE, J.

DATE : 03.03.2023

PER COURT :

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondent No.1/State and the learned counsel for respondent No.2/Victim.

2. The applicant who is lesser in age to the first informant and in relation, has been arraigned as an accused for the offence of rape. The first informant alleged against the applicant that on the last day of the incident, the applicant entered her home when she was alone and did forceful sex with her.

3. The applicant has a case that since prior to her marriage, they

had love affair. They were in relationship. However, family members got suspicion about the applicant and the first informant. Hence to protect the skin she made the wild allegations of forceful sex, snatching the golden ornaments and taking over the money. The applicant never did forceful sex with her. However, it was a consensual sex. Thorough investigation has been made in the case.

4. The learned A.P.P. opposed the application. He would argue that the offence is serious. The applicant and the victim are residents of the same locality. Therefore, the possibility of tampering with the prosecution witnesses cannot be denied. Hence, he does not deserve bail.

5. Perused the charge sheet. The relations with each other is not in dispute. The allegations raise doubt about the forceful sex. The possibility of consensual sex cannot be denied. The applicant is languishing in jail for sufficient time. The investigation has been completed. Therefore, the applicant deserves bail on certain conditions. Hence, the following order :-

ORDER

(i) The application is allowed.

(ii) Applicant Amol Sundar Chavan be released on bail, on

furnishing P. B. and S.B. of Rs. 50,000/- (Rupees Fifty Thousand only), with one solvent surety of the like amount, in Crime No.200 of 2022, registered with Dindrud Police Station, District Beed, for the offences punishable under Sections 376, 376(2)(n), 327, 506 of the Indian Penal Code, on the conditions that,

- (a) He shall not tamper with the prosecution witnesses.
- (b) The applicant shall not contact the victim or any of her relatives till conclusion of the trial.
- (c) He shall attend the trial on each and every effective date.
- (d) Criminal Application No. 697 of 2023 stands disposed of.

(S. G. MEHARE)
JUDGE