

(1)

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

**BAIL APPLICATION NO.185 OF 2023
WITH APPLN/564/2023 IN BA/185/2023**

**KISHOR BAPPURAV CHAVAN
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondent/State : Mr. S.B. Narwade
Advocate for Assist to P.P : Mr. M.B. Sandanshiv

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CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 07, 2023

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim.
2. The facts reveals that the victim who is a married women, left her home on her own accord, met the applicant and went to another town. The husband had lodged the missing report. Next day of the incident, the husband and police caught the applicant and the prosecutrix at another town. Considering the fact it appears that, the applicant and the prosecutrix had an affair. The applicant is unmarried. The allegations does not inspire confidence that the incident happened as alleged. The material placed on record reveals that the prosecutrix joined the company of the applicant voluntarily.

(2)

In view of the facts of the case, the application deserves to be allowed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Kishor Bappurav Chavan, 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.858 of 2022, registered with Karjat Police Station, District Ahmednagar for the offence punishable under Section 376, 366, 506 of the Indian Penal Code, on the conditions that he shall not tamper with the prosecution evidence.
- (iii) The applicant shall not contact the prosecutrix till conclusion of the trial.
- (iv) Criminal Application No.564 of 2023 stands disposed of.

(S.G. MEHARE, J.)