

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

BAIL APPLICATION NO.321 OF 2023

SHAHADEO LAXMAN MANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. R. P. Dhase
APP for Respondent No.1: Mr. S. P. Sonpawale
Advocate for Respondent No.2 : Mr. S. A. Kulkarni

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CORAM : S. G. MEHARE, J.

DATE : 06.03.2023

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 first incident of taking away the victim allegedly lodged on 10.10.2020. Few days thereafter the victim was found in the custody of the applicant. The police gave her custody to her parents. However, she again went along with the applicant and started cohabiting with the him. She herself has a case of marriage. On 22.09.2021 she delivered a female child and one fine morning she lodged a report making allegations of forceful sex, kidnapping and ill-

treatment. Her statement was recorded on 29.02.2022. The family of the applicant and victim were familiar with each other. The over all allegations and investigation papers reveal that they had matrimonial dispute and therefore the report has not been lodged, at the first instance, when she was in police custody. That time she did not make any allegations against the applicant. After a long gap she made allegations of ill-treatment, forceful sex and insulting her on caste. The victim appears above 14 years of age at the time of first incident. The parents of the victim did not raise any objection when she again went for cohabitation with the applicant. All these circumstances raise a doubt about the allegations. There appears some ill-motive in lodging the report. The applicant did not deny the paternity of the child born out of the wed-lock. Nothing is to be recovered from the applicant. Hence he deserves bail.

ORDER

- (i) The application is allowed.
- (ii) Applicant Shahadeo Laxman Mane 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. 135 of 2020, registered with Yermala Police Station, District Osmanabad, for the offences punishable under Sections 363, 366, 376(1)(2)(n), 376(3) of

Indian Penal Code and Sections 4, 8, 12, 21 of Protection of Children from Sexual Offences Act and Section 3(1)(w)(i)(ii), 3(2)(v), 3(1)(v)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 9, 10 and 11 of the Prevention of Child Marriage Act on the condition that he shall not tamper with the prosecution witnesses.

(S. G. MEHARE)
JUDGE

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