

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

ANTICIPATORY BAIL APPLICATION NO. 223 OF 2023

1. Rupali Ramakant Chandure
2. Ramakant Shesherao Chandure
3. Chayabai Lahu Ingale
4. Lahu Madhavrao Ingale ..APPLICANTS

VERSUS

State of Maharashtra and Others ..RESPONDENTS

**WITH
ANTICIPATORY BAIL APPLICATION NO. 235 OF 2023**

Balbhim @ Vishal Lahu Ingale ..APPLICANT

VERSUS

State of Maharashtra and Others ..RESPONDENTS

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Mr. A.P. Yenegure, Advocate for applicants
Ms. R.P. Gaur, A.P.P. for respondent nos. 1 and 3 in ABA/223/23
Mr. A.S. Shinde, A.P.P. for respondent nos. 1 and 3 In ABA/235/23
Mr. D.S. Patil, Advocate for respondent no.2 in both applications

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**CORAM : R.G. AVACHAT, J.
DATE : 08th MARCH, 2023**

PER COURT :

1. By both these applications filed under Section 438 of Code of Criminal Procedure, the applicants herein claim to have an apprehension of being arrested in connection with Crime No. 328 of 2022 registered with Kasar-Sirsi Police Station, Dist. Latur for the offences punishable under

Sections 376, 376(2)(n) read with Section 34 of the Indian Penal Code, under Sections 4, 6 and 17 of Protection of Children from Sexual Offences Act, 2012 and under Sections 9 and 11 of Prevention of Child Marriage Act, 2006.

2. Heard. Perused First Information Report (“F.I.R.”) and related police papers.

3. The applicants have already been granted ad-interim anticipatory bail vide orders dated 17th February, 2023 and 21st February, 2023 respectively. It is informed that the charge-sheet has now been filed. Learned counsel for the victim is not supporting the prosecution. Statement of the victim under Section 164 of Code of Criminal Procedure was adverted to. The victim in her said statement claimed to have been of twenty years of age at the relevant time. However, the date of birth in her AADHAR card is stated to be incorrect. It is her case that she was emotionally involved with the accused – Balbhim. She also stated that she had never been subjected with any kind of ill-treatment by the applicants. She has even delivered a baby fathered by the applicant - Balbhim

4. In view of the fact that the charge-sheet has been filed against the applicants and the victim to have not been supporting the prosecution case,

the orders dated 17th February, 2023 and 21st February, 2023 granting the applicants ad-interim anticipatory bail is hereby made absolute. The applicants shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD