

(1)

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

BAIL APPLICATION NO.438 OF 2023

NITESH SHANKAR RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Harshal Prakash Randhir
APP for Respondent/State : Mr. K.S. Patil
Advocate for Respondent No.2 : Mr. Mahendra Kochar (Appointed
Through Legal Aid)

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CORAM : S.G. MEHARE, J.

DATED : MARCH 29, 2023

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel appointed for respondent no.2/victim.
2. The alleged incident happened on 15.12.2022 and the report was lodged on 02.01.2023. There appears an inordinate delay in lodging the FIR. In the investigation, neither the photos allegedly threatened to be viral nor the golden ornaments were recovered from the applicant. It seems that something has been suppressed from the prosecution. There is absolutely no incriminating evidence against the applicant to corroborate the allegations. Hence, he deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.

(2)

(ii) The applicant, Nitesh Shankar Rathod, be released on bail on executing PB. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.02 of 2023, registered with Jamner Police Station, District Jalgaon for the offence punishable under Section 327, 354(A)(1)(i), 506 of the Indian Penal Code and Section 8 and 12 of the Protection of Children From Sexual Offences Act, on the conditions that he shall not tamper with the prosecution witnesses.

(iii) The applicant shall not contact the victim till conclusion of the trial.

(iv) The Secretary, High Court Legal Services Sub-Committee, Aurangabad Bench do pay the fees of the appointed counsel for respondent no.2/victim as per schedule.

(S.G. MEHARE, J.)