

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

923 BAIL APPLICATION NO.465 OF 2023

GANGADHAR NARAYANRAO PANDHARE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Deshpande Chaitanya C.
APP for Respondent-State : Mr. K. S. Patil.
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CORAM : S. G. MEHARE, J.
DATE : 21.03.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has a case that he has been falsely implicated in the crime due to political rivalry. No incident, as such happened. There was a week delay in lodging the FIR. The incident as alleged is improbable. He had supplied the pen drive of C.C.T.V. footage of her shop, where on the alleged date of incident, the applicant was purchasing clothes for the marriage of his daughter. However, police did not make any inquiry. He has also issued a notice through lawyer to make an inquiry on the C.C.T.V. footage, but till date, nothing has been done. The applicant is a Teacher. He has made a scapegoat by

the rivals and used the victim against him. Nothing is to be recovered from him. Hence, he may be granted bail.

3. Learned APP would argue that *prima facie* offence is serious. A poor lady has been raped in the field. Considering the nature of offence, he may not be granted bail.

4. Perused the papers produced by the learned APP and FIR. Apparently, the FIR is delayed by a week. There were no injury marks on the person of the victim. The alleged incident happened in the field. Normally, in the field, the labours work in groups. Hence, her presence alone in the field of one Nagendra Hadole, seems improbable. Considering the facts and circumstances of the case, the defence of the applicant appears probable. He has undergone police custody remand. Nothing is to be recovered from him. Therefore, the application deserves to be allowed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **GANGADHAR NARAYANRAO PANDHARE** 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.21 of 2023, registered by Police Station Markhel, District Nanded, for the offences punishable under Sections 376, 506 of the IPC and Section 66(A) and 66(E) of the Information Technology Act, on the following conditions :

- (a) The applicant shall not tamper with the prosecution witnesses.
- (b) He shall not contact the victim or her relatives till the conclusion of the trial.
- (c) The applicant shall attend the Police Station as and when called by the Investigating Officer on written notice till filing charge sheet.

(S. G. MEHARE, J.)

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vmk/-