

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

BAIL APPLICATION NO.482 OF 2023

RAJU SAHEBRAO KATE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. R. R. Karpe
APP for Respondent: Mr. S. B. Narwade

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CORAM : S. G. MEHARE, J.

DATE : 13.04.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant is seeking bail in Crime No. 993 of 2021 registered with Tofkhana Police Station, District Ahmednagar for the offences punishable under Sections 376, 452, 324, 323, 504, 506 of the Indian Penal Code.
3. The learned counsel for the applicant would argue that false allegations have been levelled against the applicant that he has committed a rape on woman of 75 years old. Since there are antecedents to his discredit he had been falsely implicated in the crime. In a history narrated to the Medical Officer, the victim narrated that an unknown person came and raped her. She was

examined at 10 a.m. on 12.11.2021. However, suddenly she took the name of the applicant while lodging the report. D.N.A. report is also negative. Nothing is against the applicant to believe the allegations. Hence he may be granted bail.

4. Per contra the learned A.P.P. would argue that age old lady has no reason to implicate the applicant falsely. She has specifically named the applicant in F.I.R. One eye witness is there. *Prima facie* evidence is available against the applicant. The applicant has a bad past. Hence he may not be granted bail.

5. The first statement by way of narrating history before the Medical Officer is against the unknown person. However, after medical examination, she took the name of the applicant. She did not state there was any eye witness to the incident but one witness who appears to her well wisher stated that he has witnessed the incident. The victim is a beggar. She resides in a broken hut. Her statements are materially and significantly contradictory. D.N.A report is also does not support the prosecution. Considering the material available on record, the applicant deserves bail. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) Applicant Raju Sahebrao Kate 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. 993 of 2021 registered with Tofkhana Police Station, District Ahmednagar for the offences punishable under Sections 376, 452, 324, 323, 504, 506 of the Indian Penal Code on the following conditions :

(a) The applicant shall not tamper with the prosecution witnesses.

(b) He shall attend the trial on each and every effective date.

(S. G. MEHARE)
JUDGE

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