

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

BAIL APPLICATION NO.883 OF 2023

SHAIKH SALMAN S/O SHAIKH YUSUF @ ISUB
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. D. M. Shinde
APP for Respondent No.1: Mrs. Vaishali N Patil Jadhav
Advocate for Respondent No.2 : Mr. Aashish T. Jadhavar

...

WITH

BAIL APPLICATION NO. 958 OF 2023

ANITA SANJAY RASAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

....

Advocate for the applicant : Mr. S.G. Ghongade
APP for respondent : Mrs. Vaishali N Patil Jadhav

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CORAM : S. G. MEHARE, J.

DATE : 03.07.2023

PER COURT :

1. Heard the learned counsel for the applicants, the learned A.P.P. for the respondents No.1/State and the learned counsel for respondent No.2 /victim.
2. The applicants are seeking bail in F.I.R. No. 50/2023 registered with Goregaon Police Station, Taluka Senggaon District Hingoli for the

offences punishable under Sections 376, 366, 354-A, 354-D, 506 read with Section 34 of the Indian Penal Code and under Sections 3,4, and 12 of Protection of Children from sexual offences Act 2012.

3. Perusal of the papers reveal that it was a case of love affair. The last incident of sex was allegedly happened a year before lodging the report. When the victim left with applicant Shaikh Salman S/o Shaikh Yusuf that time she was 18 years old. Her previous statement did not disclose anything against the applicant but subsequently her statement was changed into allegations that she was forcibly assaulted sexually by the applicant Shaikh Salman. Without discussing the facts in detail, to protect the interest of the prosecution, it seems that she was in voluntary relationship with the accused Shaikh Salman and she was continuously in touch with him. The Mobile hand set of the applicant Shaikh Salman has been seized but its forensic report is awaited. It will take time. Considering the facts in toto and filing of the charge sheet, it would be inappropriate to keep the applicants behind bar. Hence the following order.

ORDER

- (i) The applications are allowed.
- (ii) Applicant Shaikh Salman S/o Shaikh Yusuf @ Isub in Bail Application No.883 of 2023 and applicant No.1 Anita Sanjay Rasal

and applicant No.2 Sunil Sanjay Rasal in Bail Application No.958 of 2023 be released on bail on furnishing P. B. and S.B. of Rs. 50,000/- each with one solvent surety of the like amount, in aforementioned crime registered with aforementioned police station, on the following conditions :-

- (a) They shall not tamper with the prosecution witnesses.
- (b) They shall not contact the victim or any witnesses till conclusion of the trial.
- (c) The applicant Shaikh Salman S/o Shaikh Yusuf @ Isub shall stay away from his village Goregaon Taluka Sengaon, District Hingoli for four months from the date of his release.
- (d) All the accused/applicants shall attend the trial on each effective date.

(S. G. MEHARE)
JUDGE