

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

BAIL APPLICATION NO.1085 OF 2023

DEEPAK BAPU SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Shekade Shashikant E
Sabale Sarita Sheshrao
Advocate for respondent No.2 : R. N. Bharaswadkar
...

CORAM : S. G. MEHARE, J.

DATE : 08.08.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.PP for the respondent State.

2. The applicant seeks bail in Crime No. 58 of 2023 registered with Police Station Supa, District Ahmednagar, for the offences punishable under Sections 363, 366-A, 376(2)(n) of the Indian Penal Code and under Sections 3(1)(w)(i)(ii), 3(2)(VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012.

3. The first statement of the victim reveals that she at her own eloped with the applicant, however they did not have any sexual relationship. After about five days she took 'u turn' and made allegation against the applicant

that he did forceful sex with her. The medical report also does not support concretely to believe the allegations.

4. Two material contradictory statements gives benefit to the accused. The applicant is languishing in jail since 27 February 2023. There were no antecedents to his discredit. The Investigation has been completed. No purpose would be served keeping him behind bar. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) Applicant Deepak Bapu Sonawane 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) He shall not tamper with the prosecution witnesses.
 - (b) He shall not contact the victim or her relatives till the conclusion of the trial.
 - (c) He shall attend the trial on each and every effective date.

(S. G. MEHARE)
JUDGE