

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

934 BAIL APPLICATION NO.1109 OF 2023

SWAPNIL S/O SHEGAR KALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondent-State : Mr. K. S. Patil.
Advocate for Respondent No.2 : Mr. Rohit P. Patwardhan h/f
Mr. Wakale Shriraj R.
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CORAM : S. G. MEHARE, J.
DATE : 27.07.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the victim.
2. The applicant is seeking bail in Crime No.488 of 2023, registered with Shrigonda Police Station, District Ahmednagar, for the offence punishable under Section 376 of the IPC.
3. The applicant is the cousin brother-in-law of the victim. The applicant came with the case that there were some dispute in the family. Hence, incorrect report was lodged against him. The victim's family was aggressive. Hence, they have gone to such an extent to implicate the applicant falsely in a serious crime.

4. Learned counsel for the victim states that the victim on realizing the mistakes has no objection to release the applicant on bail.

5. Whether it was a consensual sex or forceful sex is a question of fact. The material investigation has been completed. Further detention of the applicant would not serve the purpose. However, to protect the interest of the victim, certain conditions may be imposed. Hence, the following order:

ORDER

(i) Bail Application is allowed.

(ii) Applicant **SWAPNIL S/O SHEGAR KALE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, in Crime No.488 of 2023, registered with Shrigonda Police Station, District Ahmednagar, for the offence punishable under Section 376 of the IPC, on the following conditions :

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

- (b) He shall not contact the victim or the other witnesses till conclusion of the trial.
- (c) He shall not enter Shrigonda town for three months from the date of his release.
- (d) He shall attend the Police Station as and when called by the Investigating Officer on written notice till filing the charge sheet. For that purpose, he would be allowed to enter the Shrigonda Town.

(S. G. MEHARE, J.)

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vmk/-