

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

33 BAIL APPLICATION NO.1172 OF 2023

SACHIN VIJAY PATALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Savale Amit S.
APP for Respondent-State : Mr. S. B. Narwade.
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CORAM : S. G. MEHARE, J.
DATE : 24.07.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State.
2. The applicant is seeking bail in Crime No.139 of 2023, registered with Dhadgaon Police Station, District Nandurbar, for the offences punishable under Section 376(2)(n), 504, 506 read with Section 34 of the IPC.
3. The victim and the applicant are tribals. The victim is a Nurse serving in private hospital. The victim and the applicant met at the place of her job. They were in relationship since 2016. It has been alleged that the applicant agreed to marry her before Panch Mandali of village. The date of their marriage was also fixed. But, the applicant and his family did not come

for marriage. Hence, the victim confirmed that she has been cheated and sexually exploited under the false promise to marry.

4. The victim was major at the time of the alleged incident. They were in long relationship. The facts are self speaking that it was a consensus sexual intercourse. Whether the applicant promised her to marry, is a question of fact to be assessed during the trial. That apart, the material investigation has been completed. Nothing is to be recovered from the applicant. Hence, no purpose would be served by keeping him behind bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SACHIN VIJAY PATALE** 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.139 of 2023, registered with Dhadgaon Police Station, District Nandurbar, for the offences punishable under Section 376(2)(n), 504, 506 read with

Section 34 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 her relatives till conclusion of the trial.
- (c) He shall attend the Police Station as and when called by the Investigating Officer on written notice.

(S. G. MEHARE, J.)

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vmk/-