

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

23 BAIL APPLICATION NO.1203 OF 2023

BALAJI HARISHCHANDRA DHONGADE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Deshmukh Vivekanand B.
APP for Respondent-State : Mr. Y. G. Gujrathi.
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CORAM : S. G. MEHARE, J.
DATE : 07.08.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.188 of 2023, registered with Yermala Police Station, District Osmanabad, for the offences punishable under Sections 376(2)(n), 506 and 507 of the IPC.
3. It has been alleged that the applicant and the victim had sexual intercourse in June 2021 in the sugarcane field. Thereafter, the applicant did forceful sex with her under the threat of making her photographs viral. However, in the investigation, no photographs were recovered.

4. Learned counsel for the applicant may be correct in arguing that even the allegations are accepted as it, there is great possibility of consensual sex. The applicant never threatened her. But, her family members had suspicion; hence, she made the false allegations. The investigation has been completed. Nothing is to be recovered from the applicant. *Prima facie*, there is an inordinate delay in lodging the FIR. Hence, no purpose would be served keeping the applicant behind bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **BALAJI HARISHCHANDRA DHONGADE** 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.188 of 2023, registered with Yermala Police Station, District Osmanabad, for the offences punishable under Sections 376(2)(n), 506 and 507 of the IPC, on the following conditions :
 - (a) The applicant shall not tamper with the prosecution witnesses.

- (b) He shall attend the Police Station as and when called by the Investigating Officer on written notice till filing the charge sheet.
- (c) He shall not enter village Wagholi, Taluka Kallam, District Osmanabad for three (3) months from the date of his release.
- (d) He shall not contact the victim on phone or in any other mode or manner.

(S. G. MEHARE, J.)

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vmk/-