

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

BAIL APPLICATION NO.1243 OF 2023

YOGESH BANDU MASKE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Thombre S.S.
APP for Respondent/State : Mr. S.P. Deshmukh

...

CORAM : S.G. MEHARE, J.

DATED : AUGUST 03, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in Crime No.55 of 2023 registered with Shivajinagar Police Station, District Beed for the offence punishable under Sections 376, 376(2)(n), 323, 506 of the Indian Penal Code and Sections 66(d) and 66(e) of the Information Technology Act.
3. The applicant and the victim were major and both are married. They were in relationship; however, the allegations have been levelled against the applicant that under the threat to viral the photographs and messages, he did forceful sex with her.
4. The applicant has a story that the husband of the prosecutrix learnt about their relationship. Hence to protect herself,

she made the false allegations. Nothing is to be recovered from the applicant that he has made the photographs and messages viral to anybody. The applicant is married and having no antecedents. It was a consensus relationship. The investigation has been completed.

5. Learned APP opposed the application arguing that the applicant did forceful sex with the victim under the threat of making the photographs and messages viral. The offence is serious. Hence, he may not be granted bail.

6. Perused the charge sheet. It appears that the applicant and the prosecutrix were in relationship. There is nothing recovered in the investigation that the applicant had made messages or the photographs of the prosecutrix viral. Possibility of consensual sex cannot be ruled out. Nothing is to be recovered from the applicant. However to guard the victim, certain conditions may be imposed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Yogesh Bandu Maske, be released on bail on executing PB. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the prosecution witnesses.

(3)

- (iii) The applicant shall attend the trial on each effective date.
- (iv) The applicant shall not contact the victim or any other relatives of the victim till conclusion of the trial.

(S.G. MEHARE, J.)