

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1304 OF 2023

BANSHI @ BANSILAL MULAJIRAM MEGHWAL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. K. M. Nagarkar h/f. Mr. A. M. Nagarkar
APP for Respondent : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 17-08-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant seeks bail in C.R.No.55 of 2023 registered with Cantonment (Chhavani) Police Station, Aurangabad, for the offences punishable under Sections 370, 376(2)(n), 323, 504, 506 read with Section 34 of the Indian Penal Code.
3. The applicant was the resident of Jodhpur, State of Rajasthan, where the victim was allegedly taken by the co-accused. It has been alleged against the applicant that he did forcible sex with her in one hotel. However, the learned counsel for the applicant would point out that the Hotel Manager did not state about the stay of the applicant in the room. He simply went there to meet the co-accused.

4. The record reveals that the applicant left Daulatabad on 18.12.2022. Before living with the co-accused, she arrange for money for her children. Record also reveals that the co-accused had sent her Rs.20,000/-, when she was returning home. There was absolutely no resistance by the victim during her stay with accused. Considering the allegations levelled against the applicant, a short role has been attributed to him. The hotel Manager did not support the prosecution that the applicant ever went in the room, where the victim was staying. The applicant is languishing in jail from 06.03.2023. The investigation has been completed. There were no antecedents to the discredit of the applicant. Hence, his detention would serve no purpose. However, to secure his presence, certain conditions may be imposed. Hence, the order:-

- i) The application is allowed.
- ii) Applicant Banshi @ Bansilal Mulajiram Meghwal, be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of like amount, in C.R.No.55 of 2023 registered with Cantonment (Chhavani) Police Station, Aurangabad, for the offences punishable under Sections 370, 376(2)(n), 323, 504, 506 read with Section 34 of the Indian Penal Code, on the conditions that;
 - (a) He shall not tamper with the prosecution witnesses.

- (b) He shall attend the trial on each effective date.
- (c) Till framing the charge, he shall report the trial Court through video conferencing. The trial Court shall make an arrangement for his attendance through the video conference.
- (d) He shall furnish his and his relatives address proof and cell phone numbers with an undertaking that they shall not change their cell numbers till conclusion of the trial.

**(S. G. MEHARE)
JUDGE**

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