

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 BAIL APPLICATION NO.1600 OF 2023

LAXMAN ANNA SARAK
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Nilesh S. Ghanekar
APP for the Respondent/s – State : Mr. K. S. Patil
...

CORAM : S. G. CHAPALGAONAKAR,J.

DATE : 21.09.2023

PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.737 of 2023 registered with Shrigonda Police Station District Ahmednagar, for the offences punishable under Sections 376, 354, 452, 324, 323, 504 and 506 of the Indian Penal Code.

2. Investigation was set in motion on the basis of the information given by victim. It is alleged that the informant was residing at Joshivasti, Limpangaon. She had acquaintance with the accused. They were always talking with each other on mobile phone. It is alleged that on 01.07.2023 while informant along with her daughter were at home, the accused has forcibly established sexual intercourse and threatened her not to disclose the same to anyone. It is further alleged that on 16.08.2023 again the accused visited house of the informant when she was cooking, so also her mother was in the house.

It is alleged that the accused abused her and outraged her modesty. On the basis of aforesaid information, the crime is registered for alleged offences. The applicant has been arrested on 15.08.2023 and he is behind bar since then. The prayer of the applicant for grant of bail came to be rejected vide order dated 29.08.2023 passed by the Sessions Court, Shrigonda.

3. Mr. Ghanekar, learned Advocate appearing for the applicant would submit that admittedly the informant had acquaintance with the applicant and they were talking with each other on mobile phone. He would submit that the first incident is dated 01.07.2023, however, no complaint was lodged. The second incident is dated 16.08.2023, wherein the allegations are only in respect of outraging the modesty. He would submit that when the mother of the informant was at home, the incident as alleged is not possible.

4. Mr. Patil, learned APP opposes the prayer for grant of bail.

5. Having considered the submissions advanced, apparently, there is long-standing acquaintance between the applicant and the informant. The alleged incident constituting offence under Section 376 took place on 01.07.2023. Although it is grave offence, no complaint regarding such incident is lodged to the police station. Apparently, the possibility of consensual relationship between the

applicant and the informant cannot be ruled out. The second incident is dated 16.08.2023, wherein allegation regarding outraging modesty of the informant is made against the applicant. Further, there is allegation that the applicant has caused injury to the informant using the knife. The Investigation paper do not show medical certificate confirming such injury. The applicant has been arrested on 16.08.2023. There is nothing to recover. Investigation is practically over. Further detention of applicant would not be necessary. Having regard to the nature of allegations, the case is made out for grant of bail. Hence following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, LAXMAN ANNA SARAK be released on bail in connection with Crime No. 737 of 2023 registered with Shrigonda Police Station District Ahmednagar, for the offences punishable under Sections 376, 354, 452, 324, 323, 504 and 506 of the Indian Penal Code, on executing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand only) each on following conditions:
 - a) The applicant shall not tamper with the prosecution evidence in any manner.
 - b) The applicant shall not enter in Joshivasti or village Limpangaon, Taluka Shrigonda, District Ahmednagar and he

shall not establish contact with the informant or any other witnesses in the present offence.

- c) The applicant shall attend concerned Police Station once in a week i.e. on every Monday between 10.00 a.m. to 02.00 p.m. till filing of the charge-sheet.
 - d) Applicant shall not indulge in similar offence.
- (iii) Bail Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

shp/-