

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

BAIL APPLICATION NO.1998 OF 2022

Vilas Bhagwan Narwade,
Age-38 years, Occu:Labour,
R/o-Koudgaon, Tq-Basmath,
Dist-Hingoli.

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
Through Police Station Hatta,
Dist-Hingoli,
- 2) X (Name withheld)

...RESPONDENTS

...

Miss Ashwani Lomte Advocate h/f. Mr. S.J. Salunke Advocate
for Applicant.
Mr. R.D. Sanap, A.P.P. for Respondent No.1 -State.
Mr. S.B. Jadhav Advocate for Respondent No.2.

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CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 24th FEBRUARY, 2023

ORDER :

1. Present Application has been filed under Section 439 of the Code of Criminal Procedure. This is second bail Application. Earlier bail application i.e. Bail Application No.1490 of 2020 was disposed of as withdrawn on 23rd February 2021 when this Court

expressed its disinclination to grant any relief in favour of the applicant who is original accused No.1.

2. Heard learned Advocate Miss Lomte holding for Mr. Salunke Advocate for applicant, learned APP Mr. Sanap for respondent No.1 -State and learned Advocate Mr. S.B. Jadhav for respondent No.2.

3. The First Information Report (for short "FIR") has been lodged by present respondent No.2 which alleges that forcible sexual intercourse is said to have been done with the minor daughter of the informant. Present accused No.1 is the husband of the elder daughter of the informant and accused No.2 in the matter is the elder daughter of the informant. When the second daughter i.e. victim, who is minor, had gone to the house of accused Nos.1 and 2, at that time even the sister is said to have taken part in forcing the minor to have sexual intercourse with the husband. There are statements of witnesses recorded. Medical examination of the victim has been done. No doubt the FIR is the outcome after the disclosure by the minor to the mother and therefore, there appears to be some delay but that delay can be explained. The statement of the victim would show that she is 17 years old girl and she was subjected to sexual

assault from August 2019 to October 2019 and she herself has stated that she has made the said disclosure to the mother on 17th March 2020. Her statement under Section 164 of the Code of Criminal Procedure has also been recorded.

4. At this stage the application does not state any ground for alleged false implication of the applicant, therefore, no ground has been even made in the second application for exercising the discretion in favour of the applicant.

5. Learned Advocate for the applicant has tendered one call letter for pre-recruitment certification issued to the applicant, which is stated to have been issued by the Maharashtra State Council of Examination, Pune. However, further details are not coming up and that cannot be taken as a ground for releasing the applicant against whom there are serious allegations of a heinous crime.

6. The Application stands rejected.

[SMT. VIBHA KANKANWADI , J.]