



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 BAIL APPLICATION NO. 111 OF 2024

Soldier Sandip Bhosle
VERSUS
The State of Maharashtra

...
Advocate for Applicant : Mr. Harshal Prakash Randhir
APP for Respondents: Mr. Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 7th MAY, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 132 of 2023 registered with Waluj police station, District Chhatrapati Sambhajinagar for the offences punishable under Sections 376(1), 354-B, 323, 506, 143, 147, 149 of the I.P.C. His application with similar prayer below Exh. 24 in sessions Case No. 127 of 2023 came to be rejected by the learned Additional Sessions Judge, Vaijapur vide order dated 29.8.2023.

2. It is averred in the report lodged by a 40 years old woman that this applicant and other four ladies who are co-accused caught her hands and legs and the applicant committed sexual intercourse with her in presence of those four ladies. Therefore, on the second day the report was lodged.

3. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. Against the husband of the informant, F.I.R. No. 379 of 2022 is filed on 6.12.2022 in which this applicant, his uncle and aunt are the witnesses and therefore, the applicant is falsely implicated in the crime to pressurize him. The applicant has roots in the society, he has no criminal antecedents, the trial will take a long period. Entire investigation is over. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in serious crime of commission of rape. If the applicant is released on bail, he will be pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the statements of the informant and other witnesses. Considering the peculiar set of facts, earlier F.I.R. and the other evidence. The report is promptly lodged. There is no any criminal antecedents to this applicant, custody of the applicant is not necessary, the trial will take a long time and presence of the applicant can be secured for trial. Thus, considering the peculiar set of facts of this case, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 132 of 2023 registered with Waluj police station, District Chhatrapati Sambhajinagar for the offences punishable under Sections 376(1), 354-B, 323, 506, 143, 147, 149 of the I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicant shall not enter within the vicinity of village Waluj, Tq. Gangapur, district Aurangabad till the conclusion of the trial.
 - c) If any breach of the above conditions are noticed by the trial court, the trial court is at liberty to cancel the bail of the applicant without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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