



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

29 BAIL APPLICATION NO. 141 OF 2024

ADINATH KONDBARAO KEDAR

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Nilesh S. Ghanekar.

APP for Respondent/State : Mr. Mukesh K. Goyanka.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 26th February, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No. 245 of 2023, registered with Basamba Police Station, District Hingoli, for the offences punishable under Sections 376, 376(2) (h), 452 and 506 of the Indian Penal Code.

3 It is averred in the report that in the afternoon of 26th August, 2023, this applicant entered into the house of prosecutrix of 19 years old, who is married. He latched the door from inside and demanded sexual intercourse to her. She reused. However, he dragged her in the bedroom and committed sexual intercourse there.

She could not tell that fact to her in-laws and husband as she was threatened by the accused. But, later on, she told that fact to her parents and thereafter, to her husband and in-laws. Thereafter, her parents were called and the report was lodged on 4th September, 2023.

4 The learned counsel for applicant submitted that it is a case of consensual sex. There is considerable delay for lodging the report. The applicant has roots in the society. He will not flee away from the trial. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicant is booked for serious crime of rape. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the statement of witnesses. There is considerable delay for lodging the report. Therefore, without adverting into the merits of the case and considering the fact that the applicant has roots in the society, he will not flee away from the trial and the trial will take long period, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

I. The application is allowed.

- II. The applicant in connection with Crime No. 245 of 2023, registered with Basamba Police Station, District Hingoli, for the offences punishable under Sections 376, 376(2)(h), 452 and 506 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.25,000/- with surety of the like amount on following conditions:-
- a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.
 - c) The applicant shall not indulge in similar activities again.

[SANJAY A. DESHMUKH, J.]

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