



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 BAIL APPLICATION NO. 433 OF 2024

Laxman Vithalrao Kadam

VERSUS

The State of Maharashtra

...

Advocate for Applicant : Mr. Hande Avinash D.

APP for Respondents: Mr. R.D. Raut

.....

CORAM : SANJAY A. DESHMUKH, J.

DATED : 25th APRIL, 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. 214 of 2023 registered with Kuntur police station, District Nanded for the offences punishable under Section 376-D of the I.P.C. His application with similar prayer bearing criminal bail application No. 2 of 2024 came to be rejected by the learned Additional Sessions Judge, Biloli, vide order dated 16.1.2024.

2. It is averred in the report lodged by a 35 years old woman that when she was in her agricultural farm, at about 4.00 p.m. the applicant and co-accused Sadashiv came there. They both dragged her in the sugarcane crop. This applicant caught hold her mouth and the main accused Sadashiv committed rape on her. Thereafter, they went back. The informant went to her house and told that incident to her husband. Her husband became ill by that shock and thereafter,

on the second day, she lodged the report.

3. Learned advocate for the applicant submitted that the medical evidence is vague. The applicant is falsely involved in the crime because he is the friend of main accused Sadashiv. The applicant has roots in the society, he will not flee away from the trial., the trial will take a long period. 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 has actually participated in the crime and facilitated in commission of rape on the prosecutrix. His role is very specific. Considering serious nature of the crime, it is lastly prayed to reject the application.

5. Perused the charge sheet, particularly report, the statements of victim and other witnesses, medical examination report of the informant. The role of the applicant is that he caught hold the prosecutrix and facilitated co-accused Sadashiv to commit rape on her. Considering his role and without adverting to the merits of the case and the fact that the applicant has roots in the society, he will not flee away from trial, the application deserves to be allowed by imposing certain stringent conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 214 of 2023 registered with Kuntur police station, District Nanded for the offences punishable under Sections 376-D 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 Antargaon, Tq. Naigaon, District Nanded, till conclusion of trial without the permission of the trial court.
 - c) If any breach of the above conditions are noticed by the trial court or the prosecution, the trial court is at liberty to cancel the bail of the applicant without reference to this Court.

(SANJAY A. DESHMUKH, J.)

rlj/