

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 537 OF 2024

Satish Purbhaji Gajbhare

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Gadegaonkar Bharat N.

APP for Respondent/State : Mrs. D.S. Jape

Advocate for Respondent No.2 : Mr. Nilesh Bhagwat (Appointed)

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CORAM : S.G. MEHARE, J.

DATED : JUNE 24, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim.
2. The applicant seeks bail in Crime No.220 of 2023 registered with Bhokar Police Station, District Nanded for the offence punishable under Sections 376(2), 376(D), 506 of the Indian Penal Code and Sections 4, 8 and 17 of the Protection of Children From Sexual Offences Act.
3. The applicant has a case that he and the victim had affair but her family were opposing it. They were meeting at various places. However, she was continuously forced to cut the relations with him. Under pressure, she has made the false allegations of sexual assault.
4. Learned counsel for the applicant would submit that the allegations are improbable. When two co-accused were watching the

parents, the appearance of mother was highly improbable. The victim lodged the report belatedly. She did not undergo medical examination which is a material evidence to be collected in such a serious crime. The victim was under pressure of her parents. The applicant never committed sexual assault against her. There are no antecedents to his discredit. Prima facie evidence is not available against him. Hence, he may be granted bail.

5. Learned APP and learned counsel for the victim opposed the application. They would submit that the victim was a minor. Her statement is specific. She was afraid and hence, the FIR was delayed and denied for medical examination. They also submit that there is a great possibility of tampering with the prosecution witnesses. Hence, he may not be granted bail.

6. Perused the papers. At this juncture, the statement of the victim is the only evidence with the prosecution. The corroborative evidence of medical examination is absent. There was a delay in lodging the FIR. The investigation is completed. No purpose would be served in keeping the applicant behind bar. However to guard the apprehension of the prosecution, certain conditions may be imposed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.

(3)

- (ii) Applicant, Satish Purbhaji Gajbhare, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;
- (a) The applicant shall not tamper with the prosecution witnesses.
- (b) The applicant shall not contact with the victim and her parents by any mode or manner till conclusion of the trial.
- (c) The applicant shall not enter Village Dorli, Taluka Bhokar, District Nanded for six months from the date of his release.
- (iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the fees of the appointed counsel for respondent no.2/victim as per schedule.

(S.G. MEHARE, J.)