



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

93 BAIL APPLICATION NO. 591 OF 2024

- 1) Laxman S/o. Rameshwar Pathade.
- 2) Dnyaneshwar S/o. Yogaji Pathade. **... Applicants**

Versus

The State of Maharashtra and another. **... Respondents**

...
Mr. Shrikant G. Kawade, Advocate for Applicants.
Mr. Rajdeep D. Raut, APP for Respondents.
...

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

DATE : 29th April, 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.673 of 2023, registered with Hingoli Rural Police Station, District Hingoli, for the offences punishable under Sections 376, 448 and 506 read with 34 of the Indian Penal Code.

3 It is averred in the report that the applicants and other

accused threatened the informant, who is 23 years old and frequently committed sexual intercourse with her and also threatened by the applicants and one of the absconding co-accused to eliminate her and her family members. Thereafter, she went to the parental house after Diwali festival. Then on 17th November, 2023, her husband came there and he questioned her that applicant No.2 went to him and told him something about the incident. Thereafter, on 15th December, 2023, informant called her husband. She told that incident to her husband on 17th December, 2023 and thereafter, the report was lodged on 18th December, 2023.

4 The learned counsel for applicants submitted that it is at the most case of consensual sex. The applicants are falsely implicated in the crime. They have roots in the society. They will not flee away from trial. The trial will take long period. Charge-sheet is filed. Custody of these applicants is not necessary. Considering all these aspects, it is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and pointed out the statements of witnesses, the FIR and medical examination report as well as the statement of prosecutrix and her statement recorded under Section 164 of the Code of Criminal Procedure. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the statement of prosecutrix recorded under Section 164 of the Cr.P.C. alongwith the report of medical examination. The delay caused for lodging the report is not explained. The applicants have roots in the society. The trial will take a long period. As far as pressurizing the prosecution witnesses and commission of same nature of offence is concerned, condition can be imposed on the applicants that they shall not enter into village Chorjawala till the conclusion of trial. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. Both the applicants in connection with Crime No.673 of 2023, registered with Hingoli Rural Police Station, District Hingoli, for the offences punishable under Sections 376, 448 and 506 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- each with surety of the like amount by each of them on following conditions:-
 - a) The applicants shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicants shall not tamper with the prosecution evidence, in any manner.

- c) The applicants shall not enter into village Chorjawala, Taluka and District Hingoli, till the conclusion of trial.

7 If breach of any of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to cancel the bail of these applicants without reference to this Court.

[SANJAY A. DESHMUKH, J.]

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