



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 BAIL APPLICATION NO. 690 OF 2024

Ankush Ashok Markad
VERSUS
The State of Maharashtra

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Advocate for Applicant : Mr. Garje Nisargraj B.
APP for Respondent/State : Mrs. Dipali S. Jape

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 10th MAY, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No.73 of 2024 registered with Karjat Police Station, Tq. Karjat, Dist. Ahmednagar, for the offences punishable under sections 376(2)(n), 366 and 506 of the Indian Penal Code.

2. It is averred in the report by the informant woman of 25 years old having two children residing in one and the same village that the applicant assured her to perform marriage with her and committed sexual assault on many times. They resided together for some days. When the applicant could not perform marriage with her, the report was lodged.

3. The learned advocate for the applicant submitted that

the informant was missing. The missing report was lodged. In that she has stated that she ran away with this applicant. It is case of consensual sexual relationship. The applicant has roots in the society. He will not flee away from the trial. The practical investigation is over. It is lastly prayed to allow the application.

4. The learned APP for the respondent-State strongly opposed the application and submitted that the applicant is involved in the serious crime. The applicant may pressurize the informant-prosecutrix and tamper the evidence. It is lastly prayed to reject the application.

5. Perused the papers of investigation. It is case of consensual sexual relationship between the applicant and informant. Practical investigation is over. Trial would take long period. Considering the fact that the applicant has roots in the society, he will not flee away from the trial, the applicant is entitled for bail. Therefore, the application deserves to be allowed on the principle that bail is rule and jail is exception, on stringent conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No.73 of 2024 registered with Karjat Police Station, Tq. Karjat, Dist. Ahmednagar for the offences punishable under sections 376(2)

(n), 366 and 506 of the Indian Penal Code be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
- b) The applicant shall not enter in village Demanwadi Aalsunda, Tq. Karjat, Dist. Ahmednagar, till the conclusion of trial.

III. If any breach of the above conditions is noticed by the trial Court, it is at liberty to cancel the bail granted to this applicant without further reference to this Court.

(SANJAY A. DESHMUKH, J.)

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