



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 805 OF 2024

GUFRAN @ GUFFA NISAR PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Joyeb I. Shaikh
APP for Respondent No.1 : Ms. S. S. Joshi
Advocate for Respondent No.2 : Mr. N. P. Chudiwal

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CORAM : S. G. MEHARE, J.

DATE : 22-07-2024

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondent No.1 and the learned counsel for respondent No.2.
2. The applicant seeks bail in C.R.No.0733 of 2022 registered with Shrirampur City Police Station, District Ahmednagar, for the offences punishable under Sections 376(2)(N), 376(2)(L), 376(D) of the Indian Penal Code and Sections 3, 3(i)(w)(i)(ii), 2(v-a), 2 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. The applicant seeks bail on the ground that he has been falsely implicated in the crime. One of the co-accused is facing trial under the Maharashtra Control of Organised Crime Act, 1999. Therefore, trial would take much time. Besides this, the victim has filed affidavit giving no objection for bail contending that they had

settled the dispute with the mediation of the local respectable persons. She has no complaint against the applicant.

4. The wild allegations of committing gang rape have been levelled against the applicant. The applicant is behind bar in this crime for one and half years. After making such serious allegations, the victim stated before the Court on affidavit that she has settled the dispute and has no objection for granting bail.

5. Learned A.P.P. also argued that she has made allegations against four accused.

6. It is apparently a case of false implication, for which the victim is liable to be prosecuted.

7. In view of the above, applicant deserves bail. Hence, the order:-

ORDER

- i) The application is allowed.
- ii) Applicant Gufran @ Guffa Nisar Pathan be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He shall attend the trial on each and every effective date.
- iii) The prosecution is directed to prosecute the victim for implicating the accused in a false crime.

(S. G. MEHARE, J.)