



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

BAIL APPLICATION NO. 1029 OF 2024

MANOJ MALHARI SOMWANSHI @ PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. V. D. Gunale
APP for Respondent : Mr. S. D. Ghayal

...
WITH CRIMINAL APPLICATION NO. 2844 OF 2024 IN BA/1029/2024

X.Y.Z.
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant/victim : Mr. R. D. Biradar

CORAM : S. G. MEHARE, J.

DATE : 16-07-2024

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondent/State and the learned counsel for the victim.
2. The applicant seeks bail in C.R.No.360 of 2024 registered with Vivekanand Chowk Police Station, Latur, Taluka and District Latur, for the offences punishable under Sections 376, 504 and 506 of the Indian Penal Code.
3. It has been alleged against the applicant that he met the victim at late hours on the bus stand. He took her near one sugar factory and did forceful sex with her. On the next day, at odd

hours, she was left near one square. She stayed in a lodge for a night. She rested there and in the evening lodged the report against the applicant.

4. Learned counsel for the applicant submits that he has been falsely implicated in the crime. She was an employee of the brother of the applicant, with whom he had disputes. The case is not only false but concocted, giving colour of sexual assault. The applicant has no reason to give his phone number to her. There is nothing on record to keep the applicant behind bar. The criminal antecedents would not come in his way for bail. Hence, he may be granted bail.

5. Learned counsel for the victim has strongly opposed the application. He submits that the victim has no reason to implicate the applicant falsely in the crime. The offence is serious. The applicant had disclosed his phone number. Hence, she disclosed it in first information report. The defence of the applicant is not probable. Therefore, bail may not be granted.

6. Learned A.P.P. for the State supported the arguments of the learned counsel for the victim.

7. In ordinary course, where there was no acquaintance there is no reason to know the cell phone number of the applicant to the victim. Her conduct smells something different. Without making a comment on her conduct, considering the facts, the Court is of the view that, this is a fit case to exercise discretion under Section 439

of the Code of Criminal Procedure. Hence, the order :-

ORDER

- i) Bail application is allowed.
- ii) Applicant Manoj Malhari Somwanshi @ Patil 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 not tamper with the prosecution witnesses.
 - (b) He shall attend the trial on each and every effective date.
 - (c) He shall furnish his residential address proof and cell phone number to the police with an undertaking that he would not change it till conclusion of the trial.
 - (d) He shall not involve in the identical crime.
- iii) Criminal Application No.2844 of 2024 stands disposed of.

**(S. G. MEHARE)
JUDGE**

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