



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

BAIL APPLICATION NO. 1099 OF 2024

RUPESH @ ANIL BUDHA SONAWANE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Sachin L. Baswe
APP for Respondent No.1 : Ms. P. R. Bharaswadkar
Advocate for Respondent No.2 : Ms. Sangeeta H. Desarda
(Appointed Through Legal Aid)

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CORAM : S. G. MEHARE, J.
DATE : 25-07-2024

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for the State and the learned counsel for the victim.
2. The applicant seeks bail in C.R.No.I-348 of 2023 registered with Rajur Police Station, Taluka Akole, District Ahmednagar, for the offences punishable under Sections 354, 366A, 212 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act.
3. It has been alleged against the applicant that he called the victim contending that he wanted to give her some herbal medicine. He went to the house of her grandmother and took the victim to the field. He forcibly embraced her and asked to give him two minutes. She fled away, returned home and lodged the report.
4. The learned counsel for the applicant submits that allegations levelled against the applicant are false. Both were

knowing each other. He has no intention to commit serious crime. The investigation has been completed. Nothing is recovered from him.

5. Learned A.P.P. for the State and the learned counsel for the victim have strongly opposed the application and argued that the applicant took the victim with ill-motive. Unfortunately, he was not successful in executing his ill intention to commit forceful sex with her. The victim could hardly save from him. Hence, bail may be rejected.

6. What was the ill intention of the applicant, it is a matter of appreciation of evidence. *Prima facie* from record it appears that two views are possible. No weapon is used. The investigation has been completed. Considering the offence registered against the applicant, it would be inappropriate to keep him behind bars. Hence, the order :-

ORDER

- i) Bail application is allowed.
- ii) Applicant - Rupesh @ Anil Budha Sonawane 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 should not contact with the victim
 - (b) He should attend the trial on each and every effective date.

- iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad, do pay the fees to the learned counsel appointed for respondent No.2/victim, as per the schedule.

(S. G. MEHARE)
JUDGE

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