



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

53 CRIMINAL APPEAL NO. 625 OF 2024

1. Ambadas Haribhau Nangare
2. Santosh Chakradhar Jagtap

..APPELLANTS

-VERSUS-

The State of Maharashtra
and another

..RESPONDENTS

Advocate for Appellants : Mr. Ghanekar Nilesh S.

APP for Respondent/State : Ms.M.L. Sangit

Advocate for Respondent no.2 : Mr.J. R. Nawale (appointed)

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 12th August, 2024.

P.C.:

1. This appeal is preferred against the order dated 28th June, 2024 passed below Exhibit-1 by Additional Sessions Judge-1, Vaijapur, in Criminal Bail Application No.158 of 2024 filed in pursuance of the F.I.R. No.0232 of 2024 registered with Vaijapur Police Station, Aurangabad, for the offences punishable under sections 376, 376-D read with 34 of the Indian Penal Code (For short, "IPC") and sections 3(1)(w)(i)(ii) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is prosecution's case that on 5th April, 2024, when the informant was working in her field at about 2:30 p.m., the appellants came there along with one unknown person and sexually assaulted the informant. It is alleged that other unknown person also forcibly sexually

assaulted the informant. It is alleged that due to shouts of the informant, the appellant and other unknown person ran away and mother-in-law of the informant saw the appellant and other person running away from the incident spot.

3. It is contention of the learned counsel for the appellants that there is one day delay in lodging the complaint. The appellants are behind bar more than four months. Investigation is completed. Charge-sheet has been filed. The appellant no.1 has produced call records between appellant no.1 and informant before the Investigating Officer to show that the appellant no.1 and informant had acquaintance. The appellants are married. Both the appellants are Karta of their families. It may take time to conclude the trial and requested to allow the appeal.

4. It is contention of the learned APP and learned counsel for respondent no.2 that the appellants sexually assaulted the informant forcibly when she was working in the field. Charges levelled against the appellants are serious. Though there is delay of one day, it was caused as informant's husband was not present in the house. If the appellants are released, they may threatened the informant and prosecution witnesses and requested to dismiss the appeal.

5. I have heard all the learned counsel. Perused the impugned order passed by the Special Court.

6. The informant is major. The appellants are behind bar more than four months. Investigation is completed. Charge-sheet has been filed against the appellants. The appellants are Karta of their families. It may take time to conclude the trial. Hence further detention of the appellants is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The the order dated 28th June, 2024 passed below Exhibit-1 by Additional Sessions Judge-1, Vaijapur, in Criminal Bail Application No.158 of 2024 is quashed and set aside.
- (iii) The appellants in connection with F.I.R. No.0232 of 2024 registered with Vaijapur Police Station, Aurangabad, for the offences punishable under sections 376, 376-D read with 34 of the Indian Penal Code and sections 3(1)(w)(i)(ii) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act be released on executing personal bond in the sum of Rs.20,000/- each with one surety of the like amount by each of them, on the following conditions :-
 - (a) the appellants shall not pressurize the prosecution witnesses and informant and shall not tamper with the prosecution evidence in any manner.

(iv) Fees of Rs.10,000/- be paid to Mr. J.R. Nawale, learned counsel appointed to represent the cause of respondent no.2 through the High Court Legal Services Sub-Committee, Aurangabad.

[SHIVKUMAR DIGE, J.]

sga