



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1444 OF 2024

YOGESH BANSI NADE
VERSUS
THE STATE OF MAHARASHTRA

Mr. A. K. Bhosle, Advocate for the applicant
Mr. S. P. Sonpawale, APP for the respondent/State

CORAM : S. G. MEHARE, J.
DATE : 18th SEPTEMBER, 2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned A.P.P. for the respondent/State.
2. The applicant seeks bail in Crime No.0172/2024 registered with M.I.D.C. CIDCO Police Station, District Aurangabad for the offences punishable under Sections 376-D, 394, 201 r/w 34 of the Indian Penal Code.
3. The prosecution has the case that the victim was in need of money. Hence, she had requested her foster brother. He made her a phone call when she was in the court. He told her that one of the co-accused would pay her money. One of the co-accused called her. When he asked her to go to the another place as other co-accused was bringing money. She asked her husband

who was with her, to back to home and I was went alone with co-accused. It is alleged that thereafter, the accused raped her in a lonely place. She went to home and lodged the report next day.

4. The learned counsel for the applicant submits that no incident as such happened. The applicant has no concern with the incident. The prosecutor was engaged in the profession of prostitution and she was facing the trial for the offences under the PIT Act. A story is apparently different. There was no reason for her to ask her husband to go home. She had no reason to go alone with the other co-accused. The spot of the incident is not a lonely place. The so called foster brother Vijay has narrated a different story. Probably her husband might have beaten her when she reached the home. There are many police stations between the alleged spot of the incident and her house. She did not immediately lodge a report. The report is belatedly filed only with a view to extract the money. The applicant has no criminal antecedent. Hence, he may be granted bail.

5. Learned APP has strongly opposed the application and argued that the resistant injuries on her person were found while her medical examination. She had no reason to implicate the applicant falsely. The offence is serious. There is evidence of

sexual assault.

6. Perused the papers.

7. In ordinary course, a woman has no reason to go alone with unknown persons at night hours, particularly by asking her husband to go back. *Prima facie* the circumstances of the case are suspicious. She has no good past. The FIR is delayed. In view of the facts and the allegations, the Court is of the view that, though the offence is serious the applicant deserves bail. Hence, the order.

ORDER

i) The application is allowed.

ii) Applicant – Yogesh Bansi Nade 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 tamper with the prosecution witnesses.

(b) He should attend the trial on each and every date.

(S. G. MEHARE, J.)

ssp