

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1687 OF 2024

Ashish Sanjay Tiwari And Another
VERSUS
The State Of Maharashtra and Another

WITH
BAIL APPLICATION NO. 1717 OF 2024

Adnam Mukhtar Shah
VERSUS
The State Of Maharashtra and Another

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Advocate for Applicants : Mr. Chaudhari N. L.
APP for Respondent/State : Mr. S.B. Pulkundwar
Advocate for Respondent No.2 : Mr. C.C. Deshpande

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CORAM : S.G. MEHARE, J.

DATED : OCTOBER 22, 2024

PER COURT:-

1. Heard learned counsel for the applicants, learned APP for the State and learned counsel for the victim.
2. The applicants seek bail in Crime No.291 of 2024 registered with Dhule City Police Station, District Dhule for the offences punishable under Sections 377 r/w 34 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children From Sexual Offences Act.
3. It is a case of unnatural intercourse by a male with a male. It has been alleged against all the accused that they were doing

anal sex one by one. They were threatening the victim that if he would not allow them to do this unnatural sex, they would tell his mother. The victim has narrated few incidents. However, the medical evidence does not support his allegations. Probably, there were no signs of anal sex due to delay in examination, but the medical officer opined that there were no injuries and no foreign body seen in anal. It has been opined that there were no signs of use of force; however, final opinion was reserved till the FSL report is received.

4. The learned APP and learned counsel for the victim submit that the offence is serious. There is no reason to disbelieve the victim. It is a gang rape case. However only, the accused were minor, bail may not be granted.

5. Perused the papers. There are serious allegations levelled against the applicants that they were forcefully doing sex with the victim under threat and all the accused were teasing him. However, unfortunately the medical evidence does not support his allegations. Even no foreign body was seen in his anal. For want of supporting evidence, the bail is to be granted to the applicant. Hence, the following order :

ORDER

- (i) Both Bail Applications are allowed.
- (ii) Applicants, Ashish Sanjay Tiwari and Sufiyan Hissak Kadri in Bail Application No.1687 of 2024 and Adnam Mukhtar

(3)

Shah in Bail Application No.1717 of 2024, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of the like amount each in the above crime, on the conditions that ;

(a) The applicants should not tamper with the prosecution witnesses and should attend the trial on each and every effective date.

(b) The applicants should not contact and tease the victim in any mode or manner.

(S.G. MEHARE, J.)