

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3112 OF 2024

Vijay Keshav Aher ...Applicant

Vs.

The State of Maharashtra and Others ...Respondents

SAYALI
DEEPAK
UPASANI

Digitally signed by
SAYALI DEEPAK
UPASANI
Date: 2024.10.09
10:53:38 +0530

Mr. Rameshwar Gite, with Rohit G., Sushant Tare, Hiten Raut
Advocate for Applicant.

Mrs. Priyanka Rane, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 8th OCTOBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 62 of 2024 registered with Surgana Police Station, Nashik, for the offences Punishable under Sections 376-D of the Indian Penal Code, 1860.
- 3) The allegations against the applicant are that he along with the co-accused by using force and assaulting the victim committed rape. However, the Medical report does not support the said story as no marks were found on the body of the victim to suggest any force and assault was made.

4) The applicant is in jail from last seven months and in the meantime, the charge-sheet has been filed. Thus considering the nature of the allegations coupled with the material available on record, I am of the opinion that further custody of the applicant is not necessary.

5) The learned APP however strongly opposed the application and submitted that if the applicant is released on bail, as he is from the same village, there is every possibility that he may pressurize the victim or tamper with the prosecution case. The said apprehension can be addressed by imposing stringent conditions. In that view of the matter, I pass the following order.

ORDER

(i) The Bail Application is allowed;

(ii) It is directed that the Applicant shall be released on bail in Crime No. 62 of 2024 registered with Surgana Police Station, Nashik, for the offences punishable under Sections 376-D of the Indian Penal Code, 1860, on furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

(iii) The Applicant shall attend said Police Station on 1st day of every month between 10.00 am to 11.00 am till conclusion of trial, except on the date of trial;

(iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

(v) Liberty is granted to the State for cancellation of bail in case Applicant breaches any of the conditions of the Court and/or if the applicant commits similar offence;

(vi) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

The application is disposed of.

[ANIL S. KILOR, J.]