



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

37 BAIL APPLICATION NO. 81 OF 2025

Chetan @ Kalya Sanjay Ghorpade
VERSUS
The State Of Maharashtra And Another

...
Advocate for Applicant : Mr. Shekade Shashikant E
APP for Respondents-State: Mr. N. B. Patil
Advocate for Informant : Mr. P. A. Dhakane
...

CORAM : ARUN R. PEDNEKER, J.

Dated : June 16, 2025.

PER COURT :-

1. Heard the learned Counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he was arrested in connection with FIR No. 0871/2024, dated 15/09/2024, registered with Pathardi Police Station, District Ahmednagar, for the offences punishable under Sections 64(1), 119, and 3(5) of the *Bharatiya Nyaya Sanhita*.
3. The facts of the case, as noted in the order of the Trial Court, are that the complainant is the victim herself, aged about 30 years. She lodged the complaint on 15/09/2024 for the incident which occurred on 12/09/2024. She is known to the accused, as they are residents of the same village. She stated that on 09/09/2024, as she was unwell, she was admitted to the Government Hospital, Pathardi, and was discharged on 12/09/2024. While returning home, she met the accused, who offered to drop her at home. She accompanied him as she knew him very well. While proceeding towards the

village, the accused stopped near a gooseberry farm at Kherdephata and had forcible sexual relations with her by gagging her mouth, thereby preventing her from raising any alarm. After some time, two other co-accused arrived at the spot and assaulted the present accused with a stick. Thereafter, both the co-accused, by threatening to defame her, forcibly took away her mobile phone and gold ornaments. They also threatened her with harm to her husband and children. As she was very frightened due to the said incident, she did not disclose it to anyone at home. However, on 15/09/2024, she narrated the incident to her brother and husband and lodged the complaint.

4. An affidavit has been filed on behalf of the informant, wherein the informant has submitted that there were some altercations and that she lodged the complaint against the applicant due to a misunderstanding. She has further stated that she has no objection to the grant of bail to the applicant/accused. The learned APP, however, opposes the grant of bail.

5. Considering the statement of the informant, this Court is of the opinion that no purpose would be served by keeping the applicant behind bars.

6. In view of the above, the application is allowed on the following terms: -

- a)** The applicant shall be released on bail in connection with FIR No. 0871/2024, dated 15/09/2024, registered with Pathardi Police Station, District Ahmednagar, for the offences punishable under Sections 64(1), 119, and 3(5) of the *Bharatiya Nyaya Sanhita*, on furnishing a PR bond of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court.
- b)** The applicant, upon being released on bail, shall not contact the informant in any manner whatsoever during the pendency of the trial.
- c)** The applicant shall cooperate with the Trial Court and shall attend each and every hearing, unless exempted by the Trial Court.
- d)** The applicant shall not tamper with the evidence of the prosecution nor shall he influence the informant, witnesses, or any other persons concerned with the case.
- e)** The applicant, upon being released on bail, shall place on record before the Trial Court the details of his contact number and residential address and shall update the same in case of any change.

7. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Trial Court shall

proceed further in the matter without being influenced by the observations made hereinabove.

8. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.