



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 659 OF 2025

Hanumant Dadarao Gole,
Age : 40 years, Occu. : Agriculture,
R/o. Pandharyachi Wadi, Neknoor,
Tq. & Dist. Beed.

... Applicant

Versus

1. The State of Maharashtra,
Through in-charge Officer,
Police Station Neknoor,
Dist. Beed.
2. The Superintendent of Police,
Beed, Dist. Beed.

... Respondents

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Mr. Shashikant E. Shekade, Advocate for Applicant
Mr. V. M. Jaware, APP for Respondents - State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 05 MAY 2025

PRONOUNCED ON : 07 MAY 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in Crime No.368 of 2024 registered at Neknoor police station, Dist. Beed for offence punishable under sections 64, 74 and 333 of Bharatiya Nyaya Sanhita.
2. It is pointed out that, applicant is arrested in above crime on 21.01.2025. That, victim is married. That, there was one consensual sexual encounter. Only because said incidence came to

the notice of informant's father, there is false implication. That, there was no force or any act against her wish. That, no concrete medical evidence has been issued. That, there are no injuries. He pointed out that, there is material suggesting that victim herself had called applicant. That, no further recovery or discovery is to be made. That, investigation is over and charge sheet is already filed in March 2025 and as such there are no immediate prospects of charge being framed, learned counsel urges for bail on any conditions imposed by this court.

Apart from above, learned counsel pointed out that, applicant's father, who is 79 years of age has cardiac issues. That, there is no one to take care of him except present applicant. Medical papers are also placed on record.

3. Learned APP opposed on the ground that serious offence has been committed. Taking disadvantage of loneliness of the victim, who is married, rape has been committed. That, victim herself has lodged report. That, victim's father had seen applicant running. Therefore, there being serious allegations and possibility of misuse of liberty, bail is opposed.

4. Heard. Perused the papers. FIR dated 05.12.2024 is by victim herself, who gave her age as 24 years and to be mother of

two children. She reported that on 07.11.2024 after undergoing family planning operation, she was put up with her parents at Pandhryachiwadi. She reported that her parents and sister had been to the field and brother had been to school, whereas, her husband and children are also went to the field and as such she was alone. She states that around 5:00 p.m. present applicant entered the house and expressed that he liked her very much, embraced her and kissed her. She claims that, she objected as she has recently undergone operation, but he undressed himself, made her forcibly sleep, removed her garments and had sexual relations against her wish. She claims that, that time voice of her father was heard outside the house and resultantly she and applicant both stood up, but he pushed her as a result of which she fell and he fled. All this was allegedly seen by her father and applicant was tried to be catch hold of, but he fled. Later on, she reported the incident to her husband, parents-in-law and demanded action. As submitted, occurrence dated 04.12.2024 is reported on 05.12.2024. Learned counsel for applicant has placed on record details of mobile calls, *inter se* between present applicant and victim informant. He invited attention of this court to page no.180 which allegedly pertains to mobile belonging to present applicant and has pointed out about himself receiving call from informant on 04.12.2024 at around 1:30 p.m.

5. Taking the above material into consideration and as charge sheet is shown to be filed and no further recovery or discovery is shown to be made, no purpose would be served by further detention. Apprehension of misuse of liberty can be taken care of by imposing stringent conditions. Hence, the following order is passed :-

ORDER

I. The application is allowed.

II. Applicant Hanumant Dadarao Gole be released on bail in connection with Crime No.368 of 2024 registered with Neknoor police station, Dist. Beed, on executing Personal Bond of Rs.15,000/- (Rupees Fifteen Thousands only) with one surety in the like amount, on the following conditions :

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not enter the vicinity where the informant and her family members reside till conclusion of trial.

[c] The applicant shall attend the concerned police station once in every week i.e. on every Monday between 10:00 a.m. to 02:00 p.m. till framing of charge and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)