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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

37 BAIL APPLICATION NO. 1340 OF 2025

Lakhan Arun Choudhare Alias Choudhari

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Bobade Yogesh K

APP for Respondents: Mr. P.P. Dawalkar

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 22nd SEPTEMBER, 2025.

PER COURT :-

1. This is an application for granting bail under section 483 Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023, in connection with crime No. 16 of 2025 registered with Neknur police station, District Beed for the offences punishable under Sections 64(1), 64(2)(I)(K), and 333 of Bhartiya Nyay Sanhita, 2023 and under Section 92(D) of Rights of Persons with Disabilities Act, 2016.

2. It is averred in the report by the informant that her 22 years mentally retarded daughter was in the house. The applicant, by taking advantage that nobody was in the house, entered in the house and when the son of the informant came in the house, knocked the door, at that time, from inside of the house, he heard that his Ammi is not in the house. The son of the informant thereafter, opened the door of the room and saw that the applicant was in process of putting

on his clothes. His pant was slightly down, but he quickly pulled then up, existed the bathroom and fled the house, and therefore, this fact was told by her son viz. Asad to the informant. Therefore, report was lodged on the same day at about 00.10 a.m. i.e. in the nighttime.

3. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. He pointed out the report of medical examination of the prosecutrix wherein the prosecutrix as well as the informant have stated that no incident of rape took place. He submitted that considering these aspects, the application deserves to be allowed as the applicant has roots in the society. He will not flee away from trial and trial will take a long period. He therefore, prayed to release the applicant.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in serious crime. He pointed out that the statement of the prosecutrix and the informant recorded under Section 183 of the B.N.S. in which the fact of commission of rape by the applicant is stated. He submitted that the applicant is involved in serious crime. He is residing near the house of the informant and definitely the applicant will pressurize the prosecution witnesses and tamper with the evidence. He lastly prayed to reject the application.

5. Perused the charge sheet, particularly the report and the medical examination. In the statements of prosecutrix and the informant it is stated that the applicant has not committed rape on the prosecutrix. The applicant has roots in the society. He will not flee away from the trial. Considering this aspect, without adverting to the merits of the case, it would be appropriate to release the applicant on bail on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 16 of 2025 registered with Neknur police station, District Beed for the offences punishable under Sections 64(1), 64(2)(I)(K), 333 of Bhartiya Nyay Sanhita, 2023 and under Section 92(D) of Rights of Persons with Disabilities Act, 2016, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicant shall not enter into village Chausala, Tq. and district Beed till the conclusion of the trial.

(SANJAY A. DESHMUKH, J.)