



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

97 BAIL APPLICATION NO. 1422 OF 2025

Laxmikant Alias Yogesh Kashinathappa Kankapure

VERSUS

The State Of Maharashtra And Another

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Mr. Chincholkar Surekha G., Advocate for Applicant

Mr. P. P. Dawalkar, APP for Respondent/State

Ms. Sultana R. Khan, Advocate for respondent No.2 (Appointed)

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 29.09.2025

PER COURT :-

1. Respondent No.2 is served. Learned Advocate Ms. Sultana R. Khan is appointed to represent her cause. Leaned advocate for the applicant is directed to provide copies of application and other documents to the appointed advocate.

2. Heard.

3. The learned advocate for the applicant pointed out the report in which the informant averred that when she was studying in the 10th standard, the parents of the applicant came to her house and put forth a proposal for her marriage with the applicant. At that time, the informant's father convinced them that after she attained the age of 18 years, he would perform her marriage with the applicant. On 14.02.2021, when the informant was alone in the house, the applicant came there and told her that as it was Valentine's Day, he had come to

meet her. The applicant then told the informant that they were going to get married, and thereafter, he forcefully committed sexual intercourse with her and threatened her not to disclose the incident to anyone. On the same day, when the informant's parents returned home, she narrated the incident to them. However, they decided not to lodge any report at that time, keeping in mind the issue of defamation and considering that her marriage was going to be performed with the applicant.

On 22.12.2024, the engagement ceremony of the applicant with the informant was performed at Bramhangaon, Tahsil Umarkhed, District Yavatmal. The marriage was scheduled to be solemnized on 20.04.2025. The informant's father had also got the marriage invitation cards printed, booked the Mangal Karyalaya and made other necessary arrangements for the marriage. However, on 28.02.2025, the applicant's mother and his maternal uncle came to the informant's house and stated that they wanted to break the marriage, alleging that the informant was suffering from a serious ailment. The informant requested them to get her medically examined. Accordingly, her parents took her to a hospital in Nanded, where medical tests were conducted, and it was found that she was normal. The said fact was informed to the applicant's parents, but they still refused to go ahead with the marriage. The informant lastly averred that the applicant had sexually exploited her under the pretext and assurance of marriage, and

therefore, she lodged the report.

5. Learned advocate for the applicant submitted that the proposal of marriage was refused and stood cancelled and therefore, a false report has been lodged alleging that the applicant committed rape upon the informant. It is further submitted that the applicant has roots in the society and has no criminal antecedents. The applicant has been falsely implicated in the crime. The investigation is over and charge sheet has already been filed. The trial will take a long period. It is lastly prayed to allow the application.

6. The learned APP for the State and learned advocate for respondent No.2 strongly opposed the application and submitted that the applicant is involved in a serious crime of rape. It is submitted that the applicant deceived the informant compelled her to undergo various medical tests and examinations, and thereafter refused to perform marriage with her. It is lastly prayed to reject the application.

7. Perused the charge-sheet, particularly the report and statement of prosecutrix, as well as the medical examination report. The applicant has roots in the society and he will not flee away from the trial. The trial will take a long period. considering the nature of the allegations and without adverting to the merits of the case, the application deserves to be allowed on the principle that bail is rule and jail is exception. Hence, the following order:

::ORDER::

- I. The application is allowed.
- II. The applicant, in connection with Crime No.40 of 2025, registered at Tamsa Police Station, District Nanded, for the offences punishable under Sections 376 of the Indian Penal Code, 1860 and Sections 4 and 8 of the POCSO Act, 2012, 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.
8. The fees of the appointed advocate, Ms. Sultana R. Khan, shall be paid through the High Court Legal Services Sub-Committee, Aurangabad, as per the rules and schedule.

[SANJAY A. DESHMUKH, J.]

HRJadhav