



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

930 BAIL APPLICATION NO. 2388 OF 2024

Sachin Shivajirao Wankhede

VERSUS

The State Of Maharashtra

...
Advocate for Applicant : Mr. Jadhav Satej S
APP for Respondents: Mr. D. J. Patil

...

CORAM : ARUN R. PEDNEKER, J.

Dated : July 17, 2025.

PER COURT :-

1. Heard 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.197/2024, registered with Udgir City Police Station, District Latur, for the offences punishable under sections 376(2)(n), 420, 419, 406, 496, 120-B of Indian Penal Code.
3. The FIR in the present case was registered on 19/07/2024, whereas the alleged offence is stated to have occurred between 01/01/2020 and 17/10/2022. According to the informant, she was introduced to the applicant by co-accused, Mr. Satish Harischandra Biradar. She was informed that the applicant was an advocate by profession, about to clear the Judicial Services Examination, and was a competent individual who could assist her in obtaining the Freedom Fighters' Pension for her father.

4. It is further alleged that the co-accused assured the informant that the applicant would ensure that the case of property dispute with her sister would be decided in her favour. Based on such representations, the informant was advised by the applicant to transfer her mother's properties to her name by executing a gift deed. Accordingly, a gift deeds were executed with the help of applicant. It is further alleged that certain properties belonging to the informant's mother were subsequently sold to various co-accused persons by executing sale deeds.

5. It is stated that the applicant later represented to the informant that he had cleared the Judicial Services Examination and needed Rs. 40 lakhs to secure a job posting. As the informant did not have sufficient liquid funds, she handed over 350 grams of gold ornaments to the co-accused Satish Harischandra Biradar, who assured her that he would mortgage the gold and provide the funds to the applicant.

6. It is also alleged that the applicant developed physical relations with the informant and had sexual intercourse with her on three occasions under the pretext of marrying her. He is further alleged to have received various amounts from her through both direct and indirect means.

7. The applicant was arrested on 20/07/2024, and the charge-sheet was filed on 06/09/2024. The learned counsel for the applicant submits that the

applicant is not a habitual offender and was working as an agent outside the Tahsil office. It is submitted that no direct payment was made to the applicant by the informant, nor is there any evidence on record to show that he received money from the co-accused. Though the gold was allegedly handed over to Satish Biradar, there is no material on record to establish that the said gold was mortgaged and that the proceeds were delivered to the applicant.

8. It is further submitted that the FIR has been lodged after a delay of more than two years from the date of the alleged incidents, thereby raising the possibility of false implication. The co-accused has already been granted bail. The applicant has been in custody since 20/07/2024. Considering that the investigation is complete and no further custodial interrogation is required, the applicant seeks release on bail.

9. The learned APP opposes the application for bail and submits that three properties were sold to one Mr. Suryakant Muchlambe, and the applicant is stated to be a consenting party in the sale deed. It is further submitted that the allegations include sexual intercourse with the informant on three occasions, based on a promise that the applicant would divorce his wife and marry the informant. The co-accused has also alleged that the applicant took possession of the informant's ATM card and withdrew substantial amounts from her account. The applicant has

withdrawn money from the account of the informant's mother through ATM transactions.

10. Having considered the rival submissions, *prima facie*, there is no material on record to demonstrate that the co-accused mortgaged the 350 grams of gold or that the proceeds were delivered to the present applicant. As regards the alleged withdrawal of Rs. 19 lakhs from the account of the informant's mother, there is no cogent evidence to show that the ATM card was in the possession of the applicant or that the amounts were withdrawn either by him or on his behalf. Even the co-accused's statement alleging that the applicant took the ATM card is not corroborated by any other material.

11. Similarly, with respect to the sale deed executed in favour of Mr. Suryakant Muchlambe, there is no material to indicate that the present applicant was a beneficiary of any portion of the sale consideration or that he derived any financial advantage from the said transaction.

12. The victim is 47 years of age, while the applicant is 38 years old and married. The allegation that the applicant promised to marry the victim and had sexual intercourse with her on that basis, *prima facie*, appears difficult to accept in the given factual scenario.

13. Considering the overall circumstances, the absence of clear and direct evidence against the present applicant in relation to the alleged financial transactions, the completion of investigation, and the fact that the applicant has been in custody since 20/07/2024, this Court is inclined to grant bail to the applicant.

14. In view of the above, the application is allowed in the following terms: -

a] The applicant shall be released on bail in connection with FIR No.197/2024, registered with Udgir City Police Station, District Latur, for the offences punishable under sections 376(2)(n), 420, 419, 406, 496, 120-B of Indian Penal Code, on furnishing 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 co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and

residential address with updates in case of any change.

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

16. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.