



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

BAIL APPLICATION NO. 2389 OF 2024

. Karan Vaishya @ Madhukar Bhosale
Age: 18 years, Occu.: Labour,
R/o. Bhendala, Ta.Gangapur,
Dist.Ch.Sambhaji Nagar.Applicant

Versus

1. The State of Maharashtra
2. XYZRespondents

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Advocate for Applicant : Mr.Sunil B. Surse
APP for Respondent no.1 : Mr.C.B.Bhadane
Advocate for Respondent no.2 : Ms.Renuka Palve Ghule

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 11 MARCH, 2025

PRONOUNCED ON : 12 MARCH, 2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in crime no.0050 of 2024 registered at Gangapur Police Station, Dist.Aurangabad for offence under Sections 376, 376(2)(n) and 417 of the Indian Penal Code (IPC).

2. Pointing to the date of arrest of applicant as 07-02-2024, it is submitted that informant is a married and full grown lady. That,

there was consensual act. That, there was no forceful act to attract offence under Section 376 of the IPC. That, applicant is behind bars since February, 2024 and chargesheet is already filed on 18-03-2024. That, no further recovery or discovery is required to be made from applicant and all necessary samples are collected. That, medical examination is over and therefore, no purpose would be served by further detention of the applicant. Hence, he prays for grant of bail.

3. Learned APP as well as learned counsel appointed to represent informant have strongly opposed application on the ground that report itself states that there is rape. That, applicant is a history-sheeter. That, while he was on bail, he has committed serious crimes like murder and rape. Therefore, he has propensity to commit similar offence and hence, they both opposed application.

4. Heard. Perused the papers including the statement of victim recorded on 29-01-2024. Apparently, from her statement, it is seen that she is 21 years of age and already married. She claims that in July 2020, while she was in Aurangabad, she came in contact with present applicant on Instagram and they both started interacting. She claims that he started informing her that he had Flats in Mumbai and

that they would get married and he assured to keep her more happy than her current husband and he called her repeatedly on phone, so on 01-01-2024, she left Pathardi and joined applicant on Motorcycle, who took her to the field and she claims that at that time, in a hut, while they were sleeping, he had physical relations with her saying that they are now going to get married. Then she reported that she started questioning about when they are getting married, however, applicant started denying. On 12-01-2024, he made her drink water due to which she started feeling giddy and become unconscious and therefore, brought to the hospital by one Rikshawala. On above report, crime seems to have been registered.

5. Thus, as submitted, inspite of being married, informant seems to have believed applicant with whom she get acquainted on Instagram, and left her house on her own accord and wish probably on the assurance of living in better comforts. However, as seen from above discussion, she was already married. She has reported about physical relations in the night of 01-01-2024 on assurance of marriage.

Second episode of lacing her glass of water is of 12-01-2024

and she was discharged from GHATI hospital on 15-01-2024 and inspite of questioning by her parents repeatedly, she has informed about the incident on 28-01-2024 and report is lodged belatedly on 29-01-2024.

6. Learned APP as well as learned counsel for the informant have strongly opposed by pointing to the previous crimes. It is pointed out that while on bail, applicant has committed other crimes.

However, confining to prayer of bail as regards to present crime is concerned, as seen above, informant has left the house on her own accord to join applicant on his alleged assurance of getting married inspite of already being marriage performed. Now investigation is said to be over and chargesheet is already filed. Taking the same into account, though applicant has antecedents, when investigation is over and no further recovery or discovery is shown to be made, no purpose would be achieved by his continue detention. Hence, the following order :

ORDER

- (i) Application is allowed.

(ii) Applicant Karan Vaishya @ Madhukar Bhosale be released on bail in connection with Crime no.0050 of 2024 registered with Gangapur Police Station, Dist.Aurangabad, on executing Personal Bond of Rs.15,000/- with one surety in the like amount.

(iii) Applicant shall not tamper prosecution evidence.

(iv) Applicant shall not enter into vicinity of village Jambhali, Tq.Pathardi, Dist.Ahmednagar, till conclusion of trial.

(ABHAY S. WAGHWASE)
JUDGE