

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 190 OF 2025

Kondiba @ Lalu Vithoba Gavade
V/s.

...Applicant

The State of Maharashtra

...Respondent.

.....
Mr. Y.B. Lengare for the Applicant.

Mr. Tanveer Khan, APP for the Respondent/State.

PSI P.V. Kashid, Sangola Police Station present.

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CORAM : N.R. BORKAR, J.
DATE : 28.04.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.757 of 2024 registered at Sangola Police Station, Dist. Solapur for the offences punishable under Sections 64, 333, 351(2), & 351(3) of the Bharatiya Nyaya Sanhita.
3. The victim and the applicant are neighbors. On the date of incident, which took place on 8.10.2024, the victim and her son were sleeping in front of their house. It is alleged that at about 9.30 a.m., the present applicant came there. It is alleged that he dragged the victim inside her house and committed forcible sexual intercourse with her.
4. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
5. Learned counsel for the applicant submits that the applicant

came to be implicated in false case due to dispute between the families of the applicant and the victim. It is submitted that the applicant is aged about 60 years and thus the version of the victim that she was dragged is doubtful. It is submitted that the applicant is in jail for 1 year and 4 months and the trial has not commenced.

6. On the other hand, learned APP for the respondent/State submits that there is nothing to show that there was a dispute between the families of the applicant and the victim. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. *Prima facie*, there appears to be substance in the submission of learned counsel for the applicant. It appears that though the victim was referred for medical examination, however, medical report is not the part of the charge-sheet. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 757 of 2024 registered at Sangola Police Station, Dist. Solapur for the offences punishable under Sections 64, 333, 351(2), & 351(3) of the Bharatiya Nyaya Sanhita on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

[N.R.BORKAR, J.]