

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1336 OF 2015

Shri Shivdas Dattaray Shengonkar @ Mahajan ... Applicant

Vs.

The State of Maharashtra

... Respondent

Ms.V.L. Maindad for the Applicant

Ms.R.V. Newton, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 24, 2015**

P.C.:

1. This is an application for bail as the applicant is facing charges under section 376(1) of the Indian Penal Code in C.R. No.583 of 2014 registered by Chakan police station, Pune (Rural). The case of prosecutrix is that she along with her husband was residing at Alandi since 24.8.2014. She was working as a cook in one education institute. At that time, she came in contact with the applicant/accused. On one day, in the month of August, the applicant/accused came to her room when she was alone. The applicant/accused promised her to give money and forced her to have sexual intercourse. Thereafter, she went to her maiden home at Yavatmal. Then he called her at Yavatmal and threatened her that he would defame her and again, he forcibly ravished her. Thereafter also he was keeping contact with her continuously on her phone and on

29.11.2014, when she was alone at her home at Alandi, the applicant/accused arrived in the room at 11 am and threatened her and forced her to have sexual intercourse. Thereafter she informed her husband and lodged the complaint.

2. The learned Counsel for the applicant/accused submitted that the applicant/accused was arrested on 18.12.2014. He does not have any criminal record. He is falsely implicated in this case. It is submitted that chargesheet has already been filed.

3. Learned Prosecutor has opposed the application. She submitted that the lady has given the complaint to the police that there was a threat and her statement under section 164 was also recorded. In that, she has mentioned that threat was given to her. The applicant/accused has taken an obscene photograph of the prosecutrix and he ravished her by giving her threat of defaming on the basis of the said photo.

4. Perused the FIR. The complainant is a married woman of 22 years. There is nothing shown in the chargesheet that there was any circulation of any obscene photograph in public. Considering the contents in the FIR and as the chargesheet is filed, I am inclined to grant bail on the following conditions:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.40,000/-, with one or two solvent sureties in the like amount;
 - ii) The applicant shall not tamper with the evidence or pressurise the prosecutrix or her family members or relatives in any manner;
 - iii) The applicant shall not indulge into any kind of offence while on bail;
 - iv) In the event the applicant/accused changes his address, he shall furnish his new address with contact numbers to the Investigating Officer;
 - v) The applicant shall attend on all the Court dates.
5. Bail application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)