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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION No. 504 OF 2018

Satej Dashrath Sonar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

WITH
BAIL APPLICATION No. 505 OF 2018

Amar Hiralal Bahot	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Satyavrat Joshi, for the Applicants.

Mr. Vinod Chate, APP for the Respondent – State.

Mr. Ramdas Shevte, API, Vishrambaug Police Station, Pune – Present.

CORAM : P. N. DESHMUKH, J.

DATE : APRIL 17, 2018

PC :-

1. Since both these applications are arising out of C. R. No. 555 of 2017 registered with Vishrambaug Police Station, Pune, for the sake of convenience they are heard together and decided by this common order.

2. Heard learned counsel for Applicants and learned APP for Respondent – State. It is specific case of Applicants that they are falsely implicated by the prosecutrix in a much belated report dated 31st December, 2017 wherein the incident of alleged sexual assault by Applicants on complainant referred to is of the year 2004. Learned counsel for the Applicants submitted that considering the long gap of more than 12 years in lodging report, there is no satisfactory explanation. That itself is a ground for release of Applicants on bail as charge-sheet is, admittedly, filed against them.

3. Learned Additional Public Prosecutor could not dispute about the facts. However, he is not provided with copy of charge-sheet nor the investigating officer is present.

4. Perusal of report reveals that prosecutrix in the year 2004-2005 was working as House Keeping Staff in Sahyadri Hospital at Pune where she came in contact with Abhijit, and both of them developed love relations which were further converted into their having consensual physical relations, which fact admittedly was not disclosed by prosecutrix to anybody, claiming that she was allowing such relations with Abhijit as he had promised her to marry.

5. It is further stated that during Ganpati festival of 2006 Abhijit took her to the flat of Satish Sonar of Pune, where they had indulged in physical relations. It is stated that after she was taken to flat of Satish Sonar, she was administered something in cold drink due to which she felt unconscious. Thereafter Amar Bohate and Satish Sonar arrived there and both of them had sexually assaulted her. It is further contended that during the said act, she was forcibly administered liquor and in the morning she was threatened not to disclose said fact to anybody, due to which she did not disclose this fact to anybody. According to report, prosecutrix got married on 27th December, 2016 and has further stated that about one month prior to her lodging report, Abhijit phoned her on her mobile number and insisted her to have physical relations with him, and also extended threats to prosecutrix to disclose about her relations with him to her husband. It is, therefore, contended that on 28th December, 2017 prosecutrix met Abhijit alongwith her husband and his friend Dhiraj Sathe at Visrantwadi bus stop, when Abhijit tried to take her forcibly, abused her in filthy language and assaulted them, therefore, he was brought to Visrantwadi Police Station and report came to be lodged.

6. The tenor of report itself is sufficient to establish that Applicants had consensual sex with Abijit during the period 2004-2005. Though according to the report both Applicants had sexually assaulted complainant, said incident is of 2006 during Ganpati festival. Prosecutrix got married in 2016. There is nothing on record, which prevented prosecutrix to lodge report in the earlier time. In that view of the matter and considering that report is lodged after a long period of 12 years, investigation is complete, both applications are liable to be allowed by imposing suitable conditions as per order below:

- (i) Applicant - Satej Dashrath Sonar (in Bail Application No. 504/2018, and Applicant – Amar Hiralal Bahot (in Bail Application No. 505/2018) shall be released on bail in C. R. No. 555/2017 registered with Vishrambaug Police Station, Pune, on their furnishing PR bond in the sum of Rs.25,000/- each with one surety each in the like amount;
- (ii) While on bail, Applicants shall not enter territorial jurisdiction of Vishrantwadi Police station within

whose jurisdiction prosecutrix is stated to be residing
i.e. at Dhanori, Vishrantwadi Pune. While on bail,
Applicants shall mark their presence with
Vishrambaug Police Station, Pune bimonthly on the
first day of such month pending trial, and shall not
make any attempt to tamper with the evidence;

- (iii) Both applications are disposed of in the aforesaid
terms.

Sd/-
[P. N. DESHMUKH, J.]

Vinayak Halemath

Note: Correction in this order is carried out as per the directions given in
the order dated 26th April, 2018 passed in the matters.