

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.141 OF 2020

Shankar Baban Jadhav

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Shailesh D. Chavan a/w. Shivraj Dhanwade, for the Applicant.

Mr. M. G. Patil, APP for the Respondent-State.

Mr. M. U. Patole, Investigating Officer, Satara Taluka Police Station,
present.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th February, 2020

P.C.:

1. This is an application for bail in connection with C.R.No.474 of 2019 registered with Satara Taluka Police Station, District- Satara, for offences punishable under Sections 323, 376, 504, 506 r/w 34 of Indian Penal Code ("IPC" for short). The First Information Report ("FIR" for short) was lodged on 24th December 2019 and the applicant was arrested on the same day. Accused No. 2 and 3 were also arrested.

2. The case of the complainant is that, she is a married lady. She was working with the applicant in marketing business. On 17th November 2019, the complainant, applicant and the co-employee

Smt. Sandhya Gole had proceeded for marketing by car. It is alleged that the applicant offered cold-drink to the complainant. After consuming the same, she felt dizziness. She was taken to the room and subjected to sexual assault. The victim did not inform the incident to any person. Again on 22nd November 2019, she had accompanied the applicant and co-employee Sandhya Gole. She was again subjected to sexual assault. Thereafter, the accused Nos. 2 and 3 had threatened her that, they had recorded the video of the complainant and the applicant in compromising position. The said accused demanded sexual favour with the complainant. The accused Nos.2 and 3 had preferred an applications for Anticipatory Bail, which are pending before the Sessions Court at Satara.

3. Learned counsel for the applicant submits that the case is false. The medical evidence does not support the version of the complainant. The victim is a major lady. The wife of accused No.2 had lodged the NC complaint against the complainant. Prior lodging the present FIR, the complainant lodged the complaint with Police Station on 22nd December 2019. However, in the said complaint, there is no whisper about the allegation mentioned in the FIR. The wife of the applicant had also lodged complaint against the victim.

4. Learned APP submitted that investigation is in progress. The victim was medically examined. The victim has alleged that, she was subjected to sexual assault by the applicant.

5. On perusal of the FIR it can be seen that, the first incident had allegedly occurred on 17th November 2019. It is alleged that, she was offered cold-drink by the accused-applicant. She was taken to the room and subjected to sexual assault. It is relevant to note that the co-employee Sandhya Gole was accompanying them at the time of incident. The allegation is prima facie unbelievable. The victim did not lodge any complaint after 17th November 2019. However, she again accompanied applicant on 22nd November 2019, wherein she was subjected to sexual assault. The NC complaint was lodged by victim prior to registration of the FIR. It is silent about alleged act. Considering the factual aspects of this matter, case for grant of bail is made out.

ORDER

- (i) Bail Application No.141 of 2020 is allowed.
- (ii) The applicant is directed to be released on bail in connection with C.R.No.474 of 2019 registered with Satara Taluka Police Station, District- Satara, on furnishing P.R bond

in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report concerned police station once in a month on every first Saturday between 11:00 a.m. to 01.00 p.m. till further orders;

(iv) The applicant shall not approach the complainant and shall not tamper with the evidence;

(v) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)