

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.568 OF 2020

Kishor @ Pappu Sanjay Navale .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Rajesh More for the Applicant.

Mr. P.H. Gaikwad, A.P.P. for the State.

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CORAM: SMT. BHARATI DANGRE, J.

DATED : 27th NOVEMBER 2020.

P.C:-

1. The Applicant is incarcerated since 28/02/2019 in C.R. No.871 of 2018 registered with Yawat Police Station, District Pune for the offences punishable under Sections 376 and 506 of the IPC.

2. The case of the prosecution is that the prosecutrix filed a complaint on 21/09/2018 alleging that she is residing on the given address with her mother and is carrying out the avocation of agriculture. In her neighbourhood, the Applicant is residing with his family. Since she had planted some vegetables in her field, she was seeking the help of the Applicant for the purpose of starting the electric motor. On 17/09/2018, the Applicant had been to her house

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and told her that if she accompanies him, he would start the motor. Since the Applicant was desirous of watering the vegetation in her field, she accompanied the Applicant. Taking advantage of the situation, the Applicant attempted to force himself upon the prosecutrix to which she objected and uttered that she treat him like her son but in spite of the protest he forced himself upon her and committed forcible sexual intercourse with her. She was also threatened that if she discloses the incident to anyone, she would have to meet the dire consequences. Being scared, she did not report the incident till 29/01/2018.

3. On completion of investigation, charge-sheet has been filed which contains the medical examination of the prosecutrix as well as various statements recorded and recoveries effected along with the spot panchnama carried out. The incident has taken place more than two years back and the Applicant is incarcerated for 20 months. The accusation levelled against him will have to be proved at the time of trial and the gravity and seriousness of the charges levelled against him can be a ground to deny the relief to him. However, the purpose of bail being to ensure that the accused is made available to face the trial on the one hand and balancing the rights of the victim on the other hand. More than two years have lapsed but the charges are yet to be framed. The rozanama of the trial court reveals that the case is still at the stage of production of the accused. It is not clear when the matter would come up on board for trial and when the fate of the Applicant will be decided. The Applicant cannot be kept in incarceration indefinitely. Ensuring that he does not tamper with the prosecution

witnesses but at the same time makes himself available for trial, he is entitled to be released on bail on certain conditions. Hence, the following order:

ORDER

- (a) The Applicant – Kishor @ Pappu Sanjay Navale shall be released on bail in C.R. No.871 of 2018 registered with Yawat Police Station, District Pune on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of case and shall not tamper with prosecution evidence.
- (c) The Applicant shall mark his attendance in the Sessions Court, Bharamati once in every two months till the charges are framed.
- (d) The Applicant shall remove himself along with his family from Village Bharatgaon, Taluka Daund, District Pune and will not set his foot in the said village during the pendency of trial.
- (e) The Applicant shall provide his residential address

and telephone number to the Investigating Officer.

4. The Application is allowed in the aforestated terms.
5. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

SMT. BHARATI DANGRE, J.