

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1104 OF 2020

Hanumant Chandrakant Mhaske .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Ghanasham S. Jadhav for the Applicant.

Ms. M.M. Deshmukh, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 10TH DECEMBER, 2020.

P.C:-

1. The Applicant came to be arrested on 26/10/2020 in relation to C.R. No.I-975 of 2020 registered on 25/10/2020 with Yavat Police Station, District Pune Gramin.

2. The occurrence of offence is described to be on 24/01/2020 at around 2.00 a.m. The prosecutrix is a married lady, aged 24 years and, she has reported that she was residing as a tenant in the house of the Applicant and was acquainted with him. It was alleged that in November, 2019, the Applicant visited her house and expressed that he has developed a liking towards her. She had reported this to his wife.

She has stated about an incident in the month of January, 2020 without specifying the exact date that when her husband was in field, in the night, the Applicant came to her house and committed forcible sexual intercourse with her against her wishes and also threatened her that if she discloses the said incident to any person, he would cause harm to her children and her husband. The prosecutrix alleged that thereafter on several occasions, the Applicant established physical relationship with her by threatening her. Being scared of her husband, she did not reveal the incident to him and she started residing in Panvel with her mother-in-law. It is alleged that the Applicant by making phone calls threatened that he would make the video clippings of the physical intimacy, viral. It is also alleged that on 22/10/2020, the Applicant telephoned and informed her that he is going to disclose their relationship to her husband. He telephoned her husband and also tendered his apology for wrongfully indulging into sexual relationship with his wife. Her husband then inspired confidence into her and she narrated the entire history of sexual assault which resulted into filing of the FIR.

3. On perusal of the complaint, it can be discerned that the incident which took place in January, 2020 has been reported on 24/10/2020. No reason for the delay has been cited by the prosecutrix except that she was scared of her husband. She is a matured lady, aged 24 years and having two minor children. The case of the Applicant, on the other hand, is to the effect that the relationship was consensual and only when the husband of the Complainant became aware of the physical relationship, she went to the police station and lodged the complaint.

4. Ms. Deshmukh, learned A.P.P., on instructions, states that the investigation is complete and the charge-sheet is likely to be filed withing a period of 15 days. In the wake of the allegations levelled in the complaint and the fact that the charge-sheet is likely to be filed and the mobile phone of the Applicant has been seized, the incarceration of the Applicant is unwarranted, by ensuring that he does not pressurize the prosecutrix, in any way, or threaten her family, by imposing stringent condition that he will not enter into Taluka Daund, District Pune, till the charges are framed, the Applicant is entitled to be released on bail. Hence, the following order:

ORDER

- (a) The Applicant – Hanumant Chandrakant Mhaske shall be released on bail in C.R. No.I-975 of 2020 registered with Yavat Police Station, District Pune Gramin on executing P.R. bond to the extent of Rs.20,000/- 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 facts of case and shall not tamper with prosecution evidence.
- (c) The Applicant shall co-operate with the investigation and attend to the Yavat Police Station once in a month between 10.00 a.m. to 2.00 p.m.

(d) He shall not enter the jurisdiction of Taluka Junna, District Pune till completion of trial, except for reporting to the Police Station.

5. The Application is allowed in the aforestated terms.

6. 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.