

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.930 OF 2022

Kalyan Sudam Ramgude

..Applicant

Vs.

The State of Maharashtra
and anr.

..Respondents

Mr.S.J.Salunke, Advocate for applicant

Mr.A.V.Deshmukh, APP for respondent no.1

Mr.D.B.Pokale, Advocate for respondent no.2

CORAM : R.G. AVACHAT, J.

DATE : AUGUST 02, 2022

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0090 of 2022 registered with Beed Rural Police Station, Dist. Beed.

2. Heard learned counsel appearing for the parties.

3. Learned APP and learned counsel for the informant strongly opposed the application.

4. The FIR has been lodged by the victim on 23.03.2022. In the FIR, she claimed to have been 19 years of age. She has been

residing with her parents at Pimpri-Chinchwad. The applicant herein is the informant's uncle. It is her case that in the year 2018, during holidays, she had been to village – Shidod, her native place, and stayed there at the house of her grand parents and uncle (applicant). One day, the applicant, checked out her cell phone to find that she was in contact with her boyfriend. The informant further alleged the applicant to have blackmailed her on that ground and had sexually exploited her. As per the FIR, the applicant is alleged to have been in such relation with the informant since 25.04.2018. According to her, the applicant had sexual intercourse with her many a time.

5. There are statements to indicate that the informant's mother and the informant had been to said village during Pandemic. Admittedly, the informant and her parents have been staying in Pimpri-Chinchwad, Dist. Pune. After having come to village, the informant's mother asked for partition of their share in the joint family properties. The statement of the father of the informant (victim) indicates that he was not in the know of the way the applicant has allegedly behaved with his daughter (informant). As such, it appears that the relationship between the mother of the

informant and the applicant and his other family members is strained on account of some property dispute. Last such sexual encounter is alleged to have taken place on 28.12.2020, while the FIR has been lodged after little over two years thereafter.

6. The applicant has been behind the bars since 23.03.2022. On investigation, charge sheet has been filed. It will take time for commencement and conclusion of the trial. In the fitness of things, the applicant deserves to be granted bail.

7. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0090 of 2022 registered with Beed Rural Police Station, Dist. Beed, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

(iv) He shall not enter Pimpri-Chinchwad City, Dist. Pune, till conclusion of the trial.

[R.G. AVACHAT, J.]