

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 560 OF 2021

Abhishek Dattatraya Kore

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Jaydeep Mane for the Applicant.

Mr. R.M.Pethe, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 7 MARCH 2022

P.C.

1. By this application, the Applicant is seeking bail in Crime No. 1139 of 2020 registered with Sangola Police Station, District Solapur under Section 376, 384, 452, 354-A(1)(i)(ii), 354-D(1)(i)(ii), 323, 504, 506 of IPC and Section 66-E, 67, 67-A of the Information and Technology Act.

2. Heard learned counsel for the parties. Perused record.

3. The aforesaid crime, is registered on the basis of the complaint dated 09.09.2020 lodged by the prosecutrix, who at the relevant time, was stated to be 22 years of age. A perusal of the complaint shows that the Applicant was acquainted to her

since her college days at Sangola and both of them were in contact with each other and had exchanged phone calls and whatsapp messages. She also claims that she suspected that the Applicant was having homosexual relations. Although, the informant claims that the Applicant had visited her house and had forcible sexual intercourse with her on multiple occasions, a bare perusal of the FIR shows that there is a serious doubt whether there was any element of coercion on the part of the Applicant. The FIR shows that the relationship continued for quite some time, before the informant got married on 23.08.2020 with Anil Shingare. A perusal of the FIR shows that according to the informant, her parents used to sleep in a room and she was sleeping in another room and the Applicant used to visit her house during the night and had sexual intercourse with her by threatening her to make certain intimate photographs viral.

4. Prima facie, regard can be had to the submission on behalf of the Applicant that it is highly improbable that in the presence of the parents in the house, albeit in a different room, the Applicant would venture to visit the house of the informant against her wish and would sexually abuse her. There are also allegations that on one occasion, the Applicant assaulted her and demanded some amount, else at the risk of making the photographs and video viral. The material allegation appears to

be that after the marriage of the informant, the Applicant sent some messages and the photographs to her husband in order to dissuade him from staying with the informant. Prima facie, it appears that even according to the informant, she furnished the mobile number of her husband to the Applicant.

5. The learned counsel for the Applicant has pointed out a transcription of telephonic conversation between the Applicant and the informant in order to submit that even after marriage, it was the Applicant who was ready and willing to accompany him.

6. Considering the over all circumstances and the fact that the Applicant was arrested on 12.09.2020 and is in custody since then and the investigation is complete and the chargesheet is filed, I do not find any justification to detain the Applicant behind bar. The apprehension expressed on behalf of the prosecution of misuse of the liberty, can be taken care of by imposing conditions.

7. Hence, the following order is passed:

ORDER

i) The Applicant **Abhishek Dattatraya Kore** be released on bail in Crime No.1139 of 2020 registered with Sangola Police Station, District Solapur, on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall undertake to remain present before the learned Sessions Judge, during the course of trial, unless exempted.

iii) The Applicant shall report to the concerned Police Station once in a month on first Monday during the course of trial.

iv) The Applicant shall not make any attempt to directly or indirectly make any contact with the prosecutrix or any other the prosecution witnesses and shall not otherwise tamper with the prosecution evidence.

v) Bail bonds to be furnished before the learned Sessions Judge.

vi) It is made clear that the observations herein are essentially of a prima facie nature and the learned Sessions Judge shall not be influenced by the same at the trial.

vii) Criminal bail application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)