

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

BAIL APPLICATION NO.77 of 2022

Pranit @ Prem Sham Londhe

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Sushant S. Prabhune for the Applicant.

Mr. Y.Y. Dabke, APP for Respondent -State.

Mr. P.V. Waghmare, API, Baramati (city) police station.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 25th AUGUST, 2022.

P.C.:-

1. This is an application for bail filed by the aforesaid Applicant, who is facing trial in Sessions Case No. 115 of 2021 pending before the learned Sessions Judge, Baramati, for the offences punishable under Sections 342, 363, 354-A, 354-D, 376, 504 and 506 r/w. 34 of the IPC.
2. Heard Mr. Sushant Prabhune, learned counsel for the Applicant and Mr. Y.Y. Dabke, learned APP for Respondent-State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.
3. The crime was registered pursuant to the FIR lodged by the prosecutrix. The prosecutrix alleged that the Applicant had expressed his love for her and she had given her phone number to the Applicant.

She claims that the Applicant used to constantly call her and she used to talk to him because of the threats given by the Applicant. She has stated that in February -2021 the Applicant forcibly took her to the room of the co-accused. She further states that the Applicant assaulted her and gave her some drink spiked with some substance/intoxicant. She claims that after taking the drink she lost control over her mind. When she regained her senses, she realised that the Applicant had sexual relationship with her. The Applicant told her that he had taken her nude photographs and video and had sexual relationship with her several times till 21/05/2021 under the threat of making her videos viral. She claims that the Applicant was pressurising her to marry him and that since she was unable to bear the harassment meted out to her by the Applicant, she attempted to commit suicide by consuming Sanitizer.

4. The records indicate that the mobile of the Applicant was seized. No nude photographs or videos of the prosecutrix were seen on the mobile phone. Hence on 07/06/2021 the mobile phone was sent to CFSL, Ganesh Khind, Pune, for opinion. Till date the report is not received and the investigating agency has not taken any steps to procure the same. The call data record (CDR) reveals that the prosecutrix was in constant touch with the Applicant. In fact, there are

several incoming calls from the prosecutrix to the Applicant even after 21/05/2021. This fact prima facie raises doubt about the allegations of rape.

5. Considering the nature of accusations levelled against the Applicant and the material in support thereof, in my considered view this is a fit case for grant of bail. Hence, the application is allowed on the following terms and conditions:-

- (i) The Applicant, who is facing trial Sessions Case No. 115 of 2021 pending before the learned Sessions Judge, Baramati, is ordered to be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties to the like amount.
- (ii) The Applicant shall report the investigating officer as and when called for.
- (iii) The Applicant shall not interfere with the Complainant, her family members and /or other prosecution witnesses, in any manner.
- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)