

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

CRIMINAL BAIL APPLICATION NO. 207 OF 2022

Rahul Janardhan Khandare	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr. Priyal G. Sarda, for the Applicant.
Mr. S. R. Agarkar, APP for the Respondent / State.

**CORAM : C.V. BHADANG, J.
DATE : 2 MARCH 2022**

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. By this Application, the Applicant is seeking bail. The Applicant has been chargesheeted for the offence punishable under Section 376(2)(n), 323, 324 and 506 of IPC, arising out of Crime No.390/2021 of Police Station Sinhgad Road, Pune City.

2. The aforesaid crime is registered on the basis of the complaint dated 13 September 2021 lodged by victim, who at the relevant time was 21 years of age. The informant is cousin sister of the wife of the Applicant and they were residing at Pokale Vasti, Dhayari Pune. The victim was residing with her brother. She claims that whenever her brother used to be on night shift, she used to go for sleeping to the house of the present Applicant. On 9 July 2019, she

claims that she had gone to sleep at the house of the Applicant, during the night as her brother was out on a night duty. She claims that she alongwith the Applicant, his wife and two children, were sleeping in the hall. However, in the midnight, the Applicant had taken her to the first floor bed room where she was sexually abused. She claims that even thereafter for a period of two years she was sexually abused on multiple occasions and in the event of her refusal, she was assaulted and threatened. Ultimately, the complaint came to be lodged on 13 September 2021.

3. I have heard the learned counsel for the parties. Perused record.

4. *Prima facie*, it appears that there is substantial delay in lodging of the FIR in as much as the first incident of the sexual assault had allegedly taken place on 9 July 2019 and the complaint is lodged on 13 September 2021. The Applicant was residing with his wife and two children while the informant was residing with her brother. The informant alleges that she was sexually abused as well as physically assaulted both at the house of the Applicant and at her own place where she was residing with her brother.

5. The learned counsel for the Applicant submitted that the said allegation appears to be highly improbable. This is not the stage where the evidence can be appreciated in detail which can be done at the trial. *Prima facie*, having regard to

the fact that according to the informant, the incident of sexual abuse continued for more than two years without any grievance being raised or incident being informed to the near relatives or even the wife of the Applicant who was the cousin sister of the informant and further having regard to the fact that the investigation is complete and the chargesheet is filed, I do not find any justification to detain the Applicant behind bar.

6. In the result, the following order is passed.

ORDER

- (i) The Criminal Bail Application is allowed.
- (ii) The Applicant Rahul Janardhan Khandare, be released on bail in Crime No.No.390/2021 of Police Station Sinhgad Road, Pune City, on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.
- (iii) The Applicant shall undertake to remain present before the learned Sessions Judge during the course of trial, unless exempted.
- (iv) The Applicant shall not directly or indirectly make any attempt to contact, threaten or influence the victim or any other prosecution witnesses and shall not otherwise tamper with the prosecution evidence.

(v) The Applicant shall report to the concerned Police Station once in month i.e. on first Monday, till framing of charge.

(vi) The Applicant shall not enter jurisdiction of the concerned Police Station except for attendance to the concerned Police Station till framing of charge.

(vii) The Criminal Application is disposed of, in the aforesaid terms.

C.V. BHADANG, J.