

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

BAIL APPLICATION NO.3651 OF 2021

Arun Shridhar Pardhi .. Applicant.

Vs.

The State of Maharashtra

(Vashind Police Station) .. Respondent.

...

Mr. Sachin Chandan, Advocate for applicant.

Smt. Anamika Malhotra, APP for the State.

API Mahesh Bolake from Vashind Police station present.

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CORAM : BHARATI DANGRE, J.

DATE : 26th SEPTEMBER, 2022.

PC.:

1. Applicant is charged for the offences punishable under Section 376 and 506 of I.P.C. in the complaint filed by the prosecutrix on 10.05.2021 which was registered by Vashind police station.

2. Applicant came to be arrested on 10.05.2021 i.e. the same day when the alleged offence took place. On completion of investigation, charge-sheet is filed.

3. Case of the prosecution in brief, is that, she is a lady aged 35 years. She is well acquainted with the present applicant. She narrated that 2-3 months before, the applicant has expressed his love towards her and

offered her to accompany him on a joy ride. When she chided him, he left and she narrated the incident to her husband who questioned him and some verbal altercation occurred between them. It is stated that he apologized in front of members of the village. But one month before, he threatened her that since she has defamed him, he will take revenge.

4. It is the version of the prosecution that, on 09.05.2021, when she had gone to the forest for collecting wood, he arrived and held her from behind. He threatened her that since, today he has got a chance, he won't leave her. Then he went closer to her and though she resisted his advances, he forcibly committed sexual intercourse with her. It is alleged that for approximately 20 minutes, he indulged himself into the act and thereafter, threatened her. The prosecutrix narrated the incident to her husband and on the very next day, FIR came to be lodged.

5. As per prosecution, the spot panchnama was prepared and the pieces of bangles came to be seized from the spot. Statement of the husband of the prosecutrix came to be recorded alongwith the statements of several other persons from the village. The statements largely refer to the narration which was given by the prosecutrix, and as was given to her husband.

6. The prosecutrix was referred for medical examination and in the history she has stated that while she was collecting wood in the forest, one person came from behind and caught her and this person was some how known to her and she did not know him personally. The medical report does not refer to external injuries though it refers to old hymen tear. The report by the Directorate of Forensic Laboratory are obtained and placed on

record and the said report do not detect any semen or blood on the clothes worn by the prosecutrix as well as by the accused.

7. The investigation is now complete and copy of charge-sheet is filed. There is no reason why the applicant should be kept languishing in jail.

8. In view of the above, the applicant deserves to be released on bail. Hence, I pass the following order.

ORDER

1. The application is allowed.
2. The applicant Arun Shridhar Pardhi in connection with C.R. No.74/2021 registered with Washind Police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
3. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any police officer. The applicant should not tamper with evidence.
4. The applicant shall attend the trial on regular basis.
5. The applicant shall move himself from Taluka Shahapur to any other place and in no way he will contact the prosecutrix.

6. On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

[SMT. BHARATI DANGRE, J.]