

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

BAIL APPLICATION NO.3963 OF 2021

**PRIYA
RAJESH
SOPARKAR**

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Date: 2022.04.30
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Ganesh Somnath Salunkhe

... Applicant

V/s.

State of Maharashtra

... Respondent

Mr.Rahul S. Kate, Advocate for the Applicant.

Mr.P.H.Gaikwad, APP for the Respondent/State.

**CORAM : VINAY JOSHI, J.
DATE : 28th APRIL, 2022.**

P.C.:-

1. The applicant is seeking regular bail in Crime No.300 of 2021 registered with Baramati Police Station for the offence punishable under Sections 376, 354, 354(A), 452, 506 of the Indian Penal Code. The State resisted bail by pointing towards the statement of informant and her daughter who were eye witness to the occurrence. It is submitted that the applicant had forcible sexual intercourse which is offence of serious nature.

2. The applicant's learned counsel though denied the occurrence, stated that at the most it is a case of consensual relation. He would submit that since the informant has seen both of them in uncomfortable position, the victim gave colour of forcible sexual intercourse. The victim is 31 years old married lady. The applicant is her husband's friend. He was in visiting terms at her house. The victim stated that on 5th June, 2021 the applicant came to her house under some pretext and had forcible sexual intercourse in the kitchen. It reveals that at the time of occurrence informant's school going daughter as well as two minor children were at the

house. Though alleged incident took place on 5th June, 2021, report has been lodged after four days. *Prima facie* there appears to be substance in the applicant's contention about consensual relationship. Moreover, applicant has produced some photographs and whatsapp exchanges between both of them to strengthen his defence. Already investigation is complete and charge-sheet has been filed. Having regard to the above facts, it is a fit case to grant bail. Hence, following order:-

- (a) The application stands allowed.
- (b) The Applicant/accused Ganesh Somnath Salunkhe is released on bail in connection with the Crime No.300 of 2021 registered with Baramati Police Station for the offence punishable under Sections 376, 354, 354(A), 452, 506 of the Indian Penal Code, on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.
- (d) The above observations are made on *prima facie* basis which has no impact on the merits of the case.
- (e) The application stands disposed in above terms.

(VINAY JOSHI, J.)

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