

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

BAIL APPLICATION NO. 4368 OF 2021

Akash Pandurang Dalvi

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Atul Patil, for the Applicant.

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

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**CORAM : C.V. BHADANG, J.
DATE : 30 MARCH 2022**

P.C.

1. The Applicant alongwith co-accused has been chargesheeted for the offence punishable under Section 376, 506 r/w. 34 of IPC in Crime No.214/2021 of Police Station Barshi Taluka, District Solapur.

2. The aforesaid crime is registered on the basis of the complaint dated 28 June 2021 lodged by the victim who is a married girl aged about 22 years. She claims that on 21 January 2021 she came out of house at 11.30 p.m. for urinating when the Applicant had forcible sexual intercourse with her. As she raised shouts, her husband came out of the house when the Applicant

fled from the spot. She also claims that on the following day, the co-accused Pravinkumar alias Appa Ghodake had threatened her and her husband not to report the matter to the police. She states that as they were scared they did not lodge report till 28 June 2021.

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

4. *Prima facie*, it can be seen that there is substantial delay in lodging of the complaint, in as much as the incident is alleged to have happened on 21 January 2021 and the complaint is lodged on 28 June 2021 for which there is no explanation.

5. The learned counsel for the Applicant has pointed out a statement dated 22 March 2021 (at page 48 of the compilation) of the husband of the victim. It appears that the husband of the victim was called by the police in connection with the complaint lodged at Barshi Police Station, Solapur Rural against the Applicant and Pravinkumar alias Appa Ghodake. Learned counsel for the Applicant submitted that the husband of the informant had stated that the said complaint with the Superintendent of police is not made at their instance and it appears to have been filed by some disgruntled element in the village.

6. Be that as it may, the fact remains that there is a substantial delay in lodging of the complaint. The investigation is complete and the chargesheet is filed. The Applicant is arrested on 6 October 2021 and is in custody since then.

5. In such circumstances, the following order is passed.

ORDER

- (i) The Criminal Bail Application is allowed.
- (ii) The Applicant Akash Pandurang Dalvi, be released on bail in Crime No.214/2021 of Police Station Barshi, District Solapur, 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 tamper with the prosecution evidence or witnesses.
- (v) Bail bonds to be furnished before the learned Sessions Judge.

(C.V. BHADANG, J.)