

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

BAIL APPLICATION NO.3033 OF 2022

Ketan Kantilal Pawar ...Applicant
vs.
The State of Maharashtra ...Respondent

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Mr. Vivek Joshi, a/w. Mr. Vikas Shivarkar, for the Applicant.

Ms. V. Shinde, APP, for Respondent/State.

Mr. Sachin Abasaheb Nikam, P.I., Bhigwan Police Station, Pune
Gramin, present.

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CORAM : ANUJA PRABHUDESSAI, J.

DATE : 21 NOVEMBER 2022

P.C. :

This is an application under Section 439 of Cr.P.C. filed by the aforesaid Applicant who was being arrested in Crime No.60 of 2022 registered with Bhigwan Police Station, Pune for offences under Sections 354, 376, 452 and 506 of Indian Penal Code.

2. Heard Mr. Joshi, learned Counsel for the Applicant and Ms. Shinde, learned APP for the State. I have perused the records and considered the submissions advanced by learned Counsel for respective parties.

3. The prosecutrix lodged the FIR on 10 March 2022 alleging that on 4 March 2022, at about 1.00 p.m., while she was sleeping in her

house, the Applicant, who is her nephew, entered her house and subjected her to rape. She has stated that the Applicant had threatened to cause death of her family in case she disclosed the incident to anyone. The prosecutrix stated that on 8 March 2022, at about 10.00 a.m., the Applicant once again entered her house and outraged her modesty. She narrated the incident to her husband and lodged the complaint on 10 March 2022.

4. The daughter of the prosecutrix has stated that on 4 March 2022, she was playing outside, while her mother was sleeping in the house. At about 4.00 p.m., the Applicant entered the house. When she went inside, she saw the Applicant sleeping on the bed with his leg over her mother. She questioned the Applicant why he was sleeping on the same bed, at this time, her mother got up and pushed him off the bed.

5. The statement of this witness does not prima facie corroborate the story narrated in the FIR. Prima facie, allegations of rape appear to be doubtful. It is stated that the charge-sheet has been filed and the case is pending for committal. Considering the large pendency, there is no possibility of the trial commencing in immediate future. Hence, this is a fit case to grant bail.

6. Under the circumstances, the application is allowed on the following terms and conditions:-

- (i) The Applicant who is arrested in Crime No.60 of 2022 registered with Bhigwan Police Station, Pune for offences under Sections 354, 376, 452 and 506 of Indian Penal Code, is ordered to be released on bail on furnishing P.R. bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;
- (ii) The Applicant shall report to Bhigwan Police Station, Pune once in two month on every 1st Monday between 11.00 a.m. to 02.00 p.m. until further orders;
- (iii) The Applicant shall not interfere with prosecution witness and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- (v) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

7. Bail Application stands disposed of in above terms.

(ANUJA PRABHUDESSAI, J.)