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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1503 OF 2022

SHRIKANT ANANTA KSHIRSAGAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Choudhari Sushant B
APP for Respondent/State : Mr. S.B. Narwade
...

CORAM : S.G. MEHARE, J.

DATED : JANUARY 20, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. Sufficient opportunity was granted to the prosecution to produce the CA report. It has been stated that the CA report is still awaited. The applicant has been arrested in the month of June, 2022. He is 55 years old. The daughter-in-law alleged against the applicant that he did forceful sex with her without her consent in the house. He was doing the same since last few months. The other family members were supporting him. Now, she is residing with her parents.
3. The applicant has a case that he has the house of two rooms only and nine members are there in the family. Therefore, it was inconvenient to everyone to use the rooms. Therefore, since last few months the prosecutrix was insisting him to provide or make an

arrangement for their separate residence. Due to financial crisis, he could not fulfill her demand. Day by day, she became aggressive for the separate residence. Therefore, she lodged the false report. The entire family has been arraigned as accused in the crime.

4. Learned counsel for the applicant would point out that the medical report does not support the allegations. The investigation has been completed. Therefore, he may be released on bail.

5. Learned APP would submit that the victim narrated the incident immediately to her sister-in-law. She has narrated the same incident to the medical officer. The offence is serious. Hence, he may not be granted bail.

6. No doubt the allegations are serious, the facts needs to be scrutinized independently. It appears that the applicant and the prosecutrix are from poor strata. They were doing labour work and living their life. They were living in two rooms house of tins. There were nine members in his family. So inconvenience to each of the member is highly possible. That apart, committing such acts in the house where nine persons reside, also matters. The applicant is languishing in jail since June-2022. The victim is not residing with him. The charge sheet has been filed. No purpose would be serve keeping the applicant behind bar. Hence, he deserves bail. Therefore, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Shrikant Ananta Kshirsagar, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.142 of 2022, registered at Washi Police Station, District Osmanabad for the offence punishable under Section 376(2)(N), 114, 323, 504, 506 of the Indian Penal Code, on the conditions that;
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) The applicant shall not contact the victim in any mode or manner, till conclusion of the trial.

(S.G. MEHARE, J.)