



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

BAIL APPLICATION NO. 1265 OF 2023

MAHIPAL KUARPAL YADAV ALIAS

MAHIPAL KUARPAL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Anjali Chitta Singh a/w Adv. Bishwajeet Mukherjee i/b
Adv. Amitsingh for the Applicant (through V.C.).

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

A.S. Naik, PSI, Dodamarg Police Station, Sindhudurg

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 29, 2023

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 376(1), 376(2)(m), 354-A(1),
354-B, 324, 504, 506 and 34 of the Indian Penal Code
registered on 04/10/2022 vide C.R. No.71 of 2022 with
Dodamarg Police Station, Sindhudurg.

3. It is alleged by the prosecutrix that on 04/10/2022 the

applicant along with other co-accused forcibly entered the room of the prosecutrix at 5.00 a.m. in the morning and committed an offence which is punishable under the aforesaid sections. The statement of the prosecutrix was recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) on 06/10/2022 wherein it is narrated by the prosecutrix that the applicant has also committed an act punishable under Sections 376(1), 376(2)(m) along with the aforesaid offences. The supplementary statement came to be recorded on 07/10/2022. The offence punishable under Sections 376(1), 376(2)(m) was added subsequently.

4. Learned APP opposed the application contending that the medical evidence on record clearly indicates that the applicant had assaulted the victim. It is further submitted that there is no reason to doubt the version narrated by the prosecutrix in the Section 164 statement and in the supplementary statement. It is submitted that merely because the supplementary statement is recorded after few days of the registration of the FIR can not be a reason entitling the applicant to be enlarged on bail when the delay

is sufficiently explained.

5. The applicant was arrested on 04/10/2022 and is now in custody for more than 1 year and 1 month. There are no criminal antecedents reported against the applicant. In the facts and circumstances of the present case, as the investigation is complete and the charge-sheet has been filed, any further detention can only be by way of a pre-trial punishment. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Mahipal Kuarpal Yadav Alias Mahipal Kuarpal in connection with C.R. No.71 of 2022 registered with Dodamarg Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Dodamarg police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) The applicant shall not contact, threaten, influence or intimidate the prosecutrix.

(g) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(h) The applicant shall not enter the area where the victim is residing and/or working.

(i) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)