



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

BAIL APPLICATION NO. 74 OF 2023

SANJAY RAVINDRA SURVE

..APPLICANT

VS.

STATE OF MAHARASHTRA

..RESPONDENT

Mr. Sagar Shah a/w Mr. Aditya Sharma, for the applicant.
Mr. N. B. Patil, APP for the State.
PSI-Mr.Sunil Sonawane (Pairavi) Charkop Police Station present.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 26, 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 324, 354, 354D, 504, 506(2), 34, 376(n), 377 of the Indian Penal Code, 1860 (for short 'IPC') registered on 26/03/2022 vide C.R. No.210 of 2022 with Charkop Police Station.
- 3.** The applicant was arrested on 13/06/2022 after he surrendered himself. The FIR was registered by the informant on 02/04/2022 initially for the offences punishable under sections 324,

354, 354D, 504, 506(2) read with 34 of IPC. In the FIR it is stated that the applicant and 2 others followed the prosecutrix. While at the gate of the Society where the prosecutrix is residing, the applicant assaulted the prosecutrix and her sister with a blade on their face and back.

4. After 6 days in the supplementary statement recorded on 08/04/2022, the prosecutrix narrated that the applicant was in relationship with her in 2019. The prosecutrix stated that sometime in March 2019, the applicant had forcible physical relations with the prosecutrix. The applicant threatened her that in case she uttered anything about the incident, he will defame her. Thereafter the applicant had forcible physical relations with the prosecutrix on few occasions. The applicant stated that in 2021 she came in contact with a person called Abhinav and had physical relations as a result of which she became pregnant. Thereafter the applicant did not have any contact with the prosecutrix. The victim was working as a singer in a bar. When the applicant met her again in 2022, he was upset with the prosecutrix as she had physical relations with some other person. Learned APP opposed the application for bail.

5. Prima facie, there is delay in registering FIR. The relation

appears to be consensual in nature. Even supplementary statement is recorded 6 days after the FIR was registered in respect of the incident which is of the year 2019. The applicant is in custody for more than 1 year and 3 months. The trial may take a long time to conclude. Though there are criminal antecedents reported against the applicant, those antecedents are not such that the applicant should be denied the facility of bail. The investigation is complete. The charge-sheet has been filed. The applicant can be enlarged on bail by imposing stringent conditions.- Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Sanjay Ravindra Surve in connection with C.R. No. 210/2022 registered with Charkop 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 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.

(e) 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.

(f) The applicant shall not enter the jurisdiction of Charkop Police Station, Kandivali Police Station or the area of Police Station where the victim is residing and working.

(g) If any attempt is made by the applicant to contact or threaten the victim or the applicant is seen in the area where the victim resides or works, the same will be viewed very seriously including the consequence of inviting cancellation of bail already granted.

6. The application is disposed of.

(M. S. KARNIK, J.)