

VRJ

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

BAIL APPLICATION NO.193 OF 2023

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Rajendra Nagnath Jadhav

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Aniket Vagal with Mr. Kunal Pednekar with Mr. Sanket Bhuwad for the applicant.

Mr. Pandurang H. Gaikwad, APP for the respondent/State.

Mr. Ajit Kakade, PSI, Hinjawadi Police Station, Pune is present.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 18, 2023

P.C.:

1. This is an application under section 439 of the Criminal Procedure Code, 1973 in connection with C.R. No.953 of 2021 registered with Hinjawadi Police Station, Pune for offences punishable under sections 376, 377, 354, 354(A), 354(B), 342, 452 of the Indian Penal Code, 1860.

2. According to the prosecution, on 16th December 2021 when the informant was at home with her kids, her door was knocked. When she opened it, one unknown person forcibly entered in the room, dragged her by hand to the next door room and forcibly raped her. She raised cry. Thereafter, neighbours ran to help. Her

husband was called, too. At that time, that unknown person opened the door and ran away pushing all the persons standing at the door. He was apprehended on the spot by the police who had come there as per the information of the neighbours. Accordingly, report was registered.

3. The applicant was arrested on 16th December 2021. The investigating agency recorded statements of the witnesses and filed charge-sheet.

4. The applicant filed an application under section 439 of the Criminal Procedure Code, 1973, which was rejected by order dated 20th August 2022.

5. I have heard learned advocate for the applicant and learned APP for the State. On perusal of the charge-sheet along with medical examination report and statements of the witnesses, it appears that the door of a room where alleged incident took place was opened only after the husband of the victim came at the spot of incident. The victim in her statement stated that the applicant was apprehended at the spot of incident; however, another witness stated that the applicant ran through play ground and police apprehended him after chase. According to the applicant, it was a consensual sex. However, it is for the trial Court to decide the said issue at the time of trial. The applicant was arrested on 16th December 2021. The investigation is complete and charge-sheet is filed. There are no antecedents to the discredit of the applicant. It is unlikely that the trial will be completed in near future.

6. On overall consideration of aforesaid reason, the applicant

has made out a case for his release under section 439 of the Criminal Procedure Code, 1973. Hence, following order:

- a) The applicant be released on bail in relation to C.R. No.953 of 2021 registered with Hinjawadi Police Station, Pune for offences punishable under sections 376, 377, 354, 354(A), 354(B), 342, 452 of the Indian Penal Code, 1860, on furnishing P.R. Bond in the amount of Rs.25,000/- along with one or two sureties in the like amount;
 - b) The applicant shall mark his presence before the concerned police station on first Saturday of every month between 11.00 a.m. to 2.00 p.m.;
 - c) The applicant shall remain present before the Trial Court on each and every date unless specifically exempted by the Court;
 - d) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case.
7. The bail applicant stands disposed of in above terms.

(AMIT BORKAR, J.)