

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

CRIMINAL BAIL APPLICATION NO. 512 OF 2022

Rohan Ashok Ovhal	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Nitin P. Deshpande for the Applicant.
Mr. Y. Y. Dabke, APP, for the Respondent
Mr. Ganesh Bhujbal appointed for the Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th SEPTEMBER 2023.

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P.C. :

1. By this application, applicant is seeking bail in C.R. No.83 of 2021 registered with Dattawadi Police Station, Pune for the offences punishable under Sections 363, 376DA, 307, 506(2) of Indian Penal Code (for short "IPC") and under Sections 4, 5(g), 6 and Section 16 of Protection of Children from Sexual Offences Act, 2012 (for short "POCSO") and Sections 3(25), (27) of the Arms Act, 1959 and Sections 37(1)(c) and section 135 of the Maharashtra Police Act 1951.

2. It is prosecution's case that, initially on the complaint of

victim dated 28th March, 2021 FIR was lodged against the co-accused stating that, the victim was sexually assaulted by the co-accused and one co-accused had fired bullet from his pistol at victim to kill her. When the said incident had happened at that time applicant was present. Thereafter, supplementary statement of victim was recorded on 2nd April, 2021 and in the supplementary statement victim had stated that applicant had sexually assaulted her. On that basis applicant's name was added in the present crime.

3. It is contention of learned counsel for the applicant that, no role was attributed to the applicant in the FIR. There were allegations against the co-accused. The supplementary statement of victim was recorded after five days of the complaint and in the said supplementary statement allegations against the applicant are made that, he had sexually assaulted the victim. Learned counsel further submitted that, applicant has been falsely implicated in this Case. Applicant is behind bar for more than two years. Hence, requested to allow the application.

4. Learned APP submitted that, when the incident had occurred at that time applicant was present and co-accused are the

friends of the applicant. In supplementary statement victim has specifically stated that applicant had sexually assaulted her. There is *prim facie* case against the applicant. If applicant is released on bail, he may threaten the prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. Admittedly, in FIR no role attributed to the applicant, in complaint it is mentioned that, after incident of fire at victim by co-accused, applicant had consoled the victim. Thereafter, in supplementary statement, allegations made against the applicant that, he had sexually assaulted the victim. No date and month of sexual assault is mentioned. There is five days delay in recording the supplementary statement while lodging complaint, victim has referred about the applicant but she has not stated anything against him. Applicant is behind bar for more than two years. Investigation is completed and charge sheet has been filed.

7. Considering the above facts, further detention of applicant is not required.

8. In view of above, I pass following order.

ORDER

- (i) Applicant be released on bail in Crime No. 83 of 2021 registered with Dattawadi police station, Pune, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.
- (iii) Applicant shall not tamper with the evidence or attempt to influence and/or influence the prosecution witnesses
- (iv) The application is allowed in the aforesaid terms.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)