

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

CRIMINAL BAIL APPLICATION NO.641 OF 2022

Trisharan Arun Madhale ..Applicant
Versus
The State of Maharashtra ..Respondent

Ms. Sana Shaikh, for the Applicant.
Smt. G. P. Mulekar, APP for the Respondent/State.

CORAM : NITIN W. SAMBRE, J.

DATE : 2nd MARCH, 2023

PC.

1. Heard.
2. The applicant came to be arrested in Crime No.24 of 2021 on 29th January, 2021 for an offence punishable under Section 376(2)(1), 376D, 354A, 354B, 506 r/w 34 of IPC.
3. After the investigation, the applicant is already charge-sheeted and has suffered incarceration for a period of more than two years.
4. The initial narration by the brother of the victim and her statement recorded under Section 164 of the CrPC is at great variance.

5. For the first time the offence under Section 376 of IPC is disclosed by the victim at the time of recording her statement under Section 164 of CrPC which was never the case of the prosecution at the time of recording of FIR or subsequent investigation.

6. It is informed that there are no criminal antecedents against the applicant.

7. In the aforesaid background, particularly, having regard to the mental state of the victim and for the reasons stated hereinabove, the application stands allowed.

8. The applicant is directed to be released on bail on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount.

9. Applicant shall neither influence the witnesses nor try to contact with the victim either directly or indirectly.

10. Till the charge is framed, the applicant shall not enter the jurisdiction of the police station from where he is charge-sheeted.

11. The application as such stands disposed of.

[NITIN W. SAMBRE, J.]