



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

BAIL APPLICATION NO.560 OF 2023

DNYANESHWAR HARIDAS SHELKE ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Shailesh Kharat a/w Adv. Nagesh Khedkar a/w Adv. Suraj Shinde for the Applicant.

Ms. Veera Shinde, APP for the State.

Mr. Mrunal Surana i/b Pooja Agarwal for the First Informant.

Ms. Sangita Kale, PSI, Chandan Nagar Police Station, Pune.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 25, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned counsel for the complainant and learned APP for the State.
2. Though the complainant is not a party-respondent in this proceeding, I have heard learned counsel appearing on behalf of the complainant who alongwith learned APP opposed the application vehemently.
3. This is an application for bail in respect of the offence punishable under Sections 376, 498A, 370(1), 420, 506 read with 34 of the Indian Penal Code (hereafter 'IPC' for

short) registered vide C.R. No.308 of 2022 with Chandan Nagar Police Station, District Pune.

4. The alleged offence occurred on 04/01/2022. By the order dated 24/01/2023 passed by this Court in Anticipatory Bail Application No. 3395 of 2022, the co-accused was granted pre-arrest bail. It is the case of the prosecutrix that after befriending her in the year 2015 under the promise that the applicant would marry her, he forced her into prostitution. It is stated that the applicant married her in the year 2021. It is further alleged that the present applicant wanted to contract a second marriage. The prosecutrix alleged that on 04/01/2022, the partner of the applicant i.e. accused No.2 committed forcible sexual intercourse on her person.

5. Learned APP and learned counsel for respondent No.2 state that the applicant has indulged in the same type of offence, as there is a past antecedent. The antecedent reported against the applicant is of the year 2014 which is an offence punishable under Sections 363, 366 and 372 of the IPC and Section 4 of the Immoral Traffic (Prevention)

Act, 1956. The offence is awaiting trial.

6. In the present case, the First Information Report (FIR) came to be registered on 26/08/2022. Thus, there is a delay in lodging FIR. After some financial dispute arose between the prosecutrix and the applicant, the alleged incident has taken place. The applicant has been in custody for almost a year without any possibility of trial commencing and concluding any time soon. The antecedent reported for the offence committed in the year 2014 cannot be the reason for denying the facility of bail having regard to the accusations made in the present FIR.

7. In this view of the matter, considering the nature of the accusations in the present case, the delay in lodging the FIR and taking an overall view of the matter as the trial is likely to take a long time to conclude, the applicant can be enlarged on bail. The investigation is complete and the charge sheet is filed. Conditions need to be imposed in view of the submissions of learned APP and learned counsel for the complainant. Hence, the following order :-

ORDER

(a) The applicant- Dnyaneshwar Haridas Shelke in connection with C.R. No. 308 of 2022 registered with Chandan Nagar Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.

(b) The applicant shall attend the Investigating Officer of the Chandan Nagar police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(c) 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.

(d) 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.

(e) Except for the purpose of reporting to the Investigating Officer and attending trial

Court on the dates fixed, the applicant shall not enter in Pune District, till the conclusion of the trial.

8. The application is disposed of.

(M. S. KARNIK, J.)