



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

BAIL APPLICATION NO. 622 OF 2023

SAMADHAN BAJIRAO SANGAMNERE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Aniket Vagal a/w Mr. Kunal Pednekar a/w Ms. Savvy
Kolhekar for the Applicant.

Ms. Meghna Gowalani for Respondent No.2.

Ms. Veera Shinde, APP for the State.

PSI Shashikant Dashrath Saindane, Saikheda Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 03, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned counsel for respondent No.2 who is appointed by this Court and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 376-D, 376DA, 452, 506, 34 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 registered on 18/05/2022 vide C.R. No.85 of 2022 with Saikheda Police Station, Nashik.
- 3.** The applicant is the accused No.1. The victim was, at

the relevant time, 13 years and 15 months old girl. In her statement, she stated that two months before filing the complaint, the accused who were two in number, entered her house and one after the other had established forcible sexual relations with her. This incident was revealed by the victim to her mother almost after 2 months. The victim was pregnant by then. She underwent an abortion.

4. Learned APP as well as learned counsel for respondent No.2 opposed the application and submitted that the victim had narrated the incident in detail which is trustworthy and there is reason to doubt the statement of the victim at this juncture.

5. My observations are *prima facie*, not to influence the trial. The accused will face the consequences post-trial if found guilty. The forensic report (DNA), tendered by the learned APP, reveals that though the victim is concluded to be the biological mother of the foetus, the accused are excluded to be the biological father. The applicant was arrested on 18/05/2022 and is in custody almost for the period of 1 year and 5 months with the possibility of trial concluding any time soon appearing remote. There are no

criminal antecedents reported against the applicant. The applicant is the cousin brother of the victim's father. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Samadhan Bajirao Sangamnere in connection with C.R. No.85 of 2022 registered with Saikheda 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 attend the Investigating Officer of Saikheda police station, initially for a period of 3 months, twice a month, every first and third Monday of the month between 11.00 a.m. and 1.00 p.m. and thereafter, once a month, every first Monday of the concerned month between 11.00 a.m. and 1.00 p.m. till further orders of the trial Court.
- (e) 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.

(f) 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.

(g) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Niphad Taluka after being released on bail, till the trial concludes.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) The applicant shall not contact, intimidate or threaten the victim.

6. The application is disposed of.

7. I appreciate the valuable assistance rendered by Advocate Meghna Gowalani, who appeared on behalf of respondent No.2 in this proceeding. The engagement of Advocate Meghna Gowalani be regularised.

(M. S. KARNIK, J.)