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

BAIL APPLICATION NO.714/2023

TUKARAM @ VISHAL DNYANESHWAR
INGALE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Adv. Satyavrat Joshi i/b. Adv. Shivam Kondekar for the
applicant.

Ms. Veera Shinde, APP for the State.

Adv. Kushal Amin for the respondent no.2.

ASI S. S. Jagtap, Pandharpur Rural Police Station.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 25, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the respondent no.2.
2. This is an application for bail in respect of the offence punishable under Sections 376,376(2)(M),376(3),354, 354A, 354D, 504, 506 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 5/5/2022 vide C.R. No.209/2022 with Pandharpur Police Station, Solapur Rural.
3. The applicant and the victim are neighbours and known to each other. The applicant at the relevant time was

23 years old and the age of the victim was 15 years. Prior to lodging of the First Information Report (FIR), it is alleged by the victim that the applicant had proposed her for marriage. The applicant had forcible physical relations with the victim on couple of occasions. The applicant had threatened the victim and therefore, she did not disclose the incident to her parents.

4. Learned counsel for the applicant submitted that the statement of the prosecutrix under Section 164 of the Code of Criminal Procedure (Cr.P.C.) as well as medical history narrated by the victim, would reveal that this is a case of a love affair and the physical relations are consensual in nature.

5. Learned APP as well as learned counsel for the respondent no.2 opposed the application. It is submitted that the offence is serious and the applicant had threatened the victim with dire consequences if she disclosed the fact that the applicant had physical relations with her.

6. *Prima facie*, considering the statement of the prosecutrix under Section 164 of the Cr. P.C. and from the medical history as narrated by the prosecutrix, the

relationship between the applicant and the victim appears consensual in nature. However, considering that the victim is a minor such a consent is immaterial.

7. The applicant is arrested on 5/5/2022 and is in custody for more than 17 months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant.

8. Considering the age of the applicant and in view of the facts and circumstances of this case, I am inclined to enlarge the applicant on bail. There is nothing on record to indicate that the applicant will evade attending trial. The applicant can be enlarged on bail by imposing conditions. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Tukaram @ Vishal Dnyaneshwar Ingale in connection with C.R. No.209/2022 registered with Pandharpur Police Station, Solapur Rural, 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 Pandharpur police station once in three months on first Saturday of the concerned month between 11:00 a.m. to 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 the jurisdiction of the Pandharpur 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 surrender his passport, if any, to the investigating officer.

9. The application is disposed of.

10. I appreciate the assistance rendered by Mr. Kushal Amin, the learned Advocate, who appeared on behalf of the respondent no.2 at my request. Learned advocate may be paid the fees/honorarium as prescribed by the Legal Aid Services Authority or if not prescribed, the same is quantified at Rs.5000/-.

(M. S. KARNIK, J.)