

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 752 OF 2023

Shashikant Shrimant Kharat ... **Applicant**

Versus

The State of Maharashtra ... **Respondent**

WITH

INTERIM APPLICATION NO. 1854 OF 2023

.....

Mr. Prashant Pandey alongwith Mr. Dinesh Jadhwar, Mr. Ashish Jain instructed by Ms. Shraddha Raut for the Applicant.

Ms. Veera Shinde, APP for the State.

Mr. Prabhanjan Dave for the Intervenor.

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CORAM : N.R. BORKAR, J.

DATED : 8 JUNE 2023

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 396 of 2021 registered at Kamothe Police Station, Navi Mumbai for the offences punishable under Sections 376, 366, 506 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant, the learned APP for the State and the learned Counsel for the intervenor.

4. According to the prosecutrix herself, she had love affair with the present applicant and for about three years they had consensual physical relations. According to her, due to certain issues dispute arose

between them and she started residing alone. According to her, on the date of incident which took place on 7 September 2021, the present applicant took her to one lodge and committed forcible sexual intercourse with her.

5. The learned APP submits that in addition to above crime the applicant is involved in five more crimes. However, considering the overall facts and circumstance of the case and as the applicant is in jail for more than 1 year, I am inclined to release him on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Shashikant Shrimant Kharat be released on bail in Crime No. 396 of 2021 registered at Kamothe Police Station, Navi Mumbai for the offences punishable under Sections 376, 366, 506 of Indian Penal Code, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not enter into the limits of District : Raigad, except to attend the dates before the trial Court, till conclusion of trial.
- (iv) The applicant shall furnish his residential address and mobile number to the concerned police station.
- (v) Interim application for intervention is disposed of.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
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