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

BAIL APPLICATION NO.837 OF 2023

SUDHIR @ DEVA DEVIDAS SINDKAR ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Akash Kavade i/b. Mr. Abdul Quadir Auti for the
applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 28, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 376, 376-D, 377, 386, 323, 504,
506 read with 34 of the Indian Penal Code (hereafter 'IPC'
for short) and under Sections 66(E), 67, 67(A) of the
Information Technology Act registered vide C.R. No.132 of
2022 with Baramati Police Station, Pune.

3. The FIR was registered on 11.03.2022. There are in all
two accused. The applicant is the accused no.2. The
applicant was arrested on 11.03.2022.

4. By an order dated 20.12.2022 passed in Bail Application No.1873 of 2022 this Court enlarged the accused No.1 on bail. The major allegations are against the accused No.1. The order reads thus :-

"1. This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 132 of 2022 registered at Baramati Police Station, Pune Rural for the offences punishable under Sections 376, 376-D, 377, 386, 323, 504, 506, read with 34 of the Indian Penal Code (IPC) and Sections 66(E), 67, 67 (A) of the Information Technology Act (IT Act).

3. I have heard the learned counsel for the applicant, the learned APP for the respondent – State and the learned counsel for respondent No.2.

4. Even though according to the prosecutrix, she was subjected to forcible sexual intercourse for the first time in November 2021 and lastly on 3 January 2022, she lodged the report only on 11 March 2022. According to the prosecutrix herself, she is 26 years old. Considering these facts and circumstances and as the applicant is in jail for more than 9 months, I am inclined to release him on bail."

5. In this view of the matter and in view of the fact that there is a delay in registering the FIR, considering that the applicant is in custody for more than one year and five months, even the present applicant can be enlarged on bail. The possibility of the trial commencing and concluding any time soon seems remote. The investigation is complete and the charge-sheet has been filed. There are no criminal

antecedents reported against the applicant. Hence, the following order :-

ORDER

- (a) The bail application is allowed.
- (b) The applicant be released on bail in Crime No.132 of 2022 registered at Baramati Police Station, Pune Rural for the offences punishable under Sections 376, 376-D, 377, 386, 323, 504, 506 read with 34 of the IPC and Sections 66(E), 67, 67(A) of the IT Act on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- (c) The applicant shall attend the concerned police station once in a month, i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.
- (d) 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.
- (e) 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.

- 6.** The application is disposed of.

(M. S. KARNIK, J.)