



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

BAIL APPLICATION NO.1089/2023

SANDIP PRABHAKAR DIGHE

..APPLICANT

VS

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Akshay H. Bankapur for the Applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 23, 2023.

P.C. :

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

2. This is an application for bail by the applicant in connection with First Information Report (FIR) No.15 of 2020 dated 03/02/2020, registered with Ozhar Police Station, District- Nashik, for the offence punishable under Sections 376(2)(n), 451 and 506 of the Indian Penal Code, 1860.

3. The FIR is dated 03/02/2020. The applicant is the friend of the husband of the victim. It is alleged in the FIR by the victim that the applicant committed an act which is

an offence punishable under the aforesaid sections on 3 occasions, firstly on 10/01/2020 then on 18/01/2020 and lastly on 27/01/2020. The alleged offence took place in the house of the victim. It is the contention of the learned counsel for the applicant that the relationship is consensual.

4. I have gone through the statement of the victim and the statement of the son of the victim, who was 14 years of age at the relevant time. It is the contention of the learned counsel for the applicant that there is a delay in lodging the FIR. Learned APP states that the delay by itself in such a case will not entitle the applicant to be released on bail and opposed the application.

5. On perusing the statement of the victim and that of her son, the possibility of the relationship being consensual cannot be ruled out. The applicant has been in custody for almost 2 years and 6 months. There are no criminal antecedents against the applicant. Having gone through the materials on record, the delay in lodging FIR coupled with the fact that the applicant is in custody for 2 years and 6 months with the possibility of the trial concluding any time

soon appears to be remote, the applicant can be released on bail by imposing certain conditions. The investigation is complete and the charge sheet is filed. There are no criminal antecedents reported against the applicant. Hence, the following order:

ORDER

(a) The applicant- Sandip Prabhakar Dighe, in connection with FIR No.15 of 2020 dated 03/02/2020, registered with Ozhar Police Station, District- Nashik, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(b) The applicant shall report to the Investigating Officer of the Ozhar 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 is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 4 weeks in lieu of surety.

(d) The applicant shall not enter Village Datane, Taluka Niphad, District Nashik till the conclusion of the trial.

(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.

6. The application is disposed of.

(M. S. KARNIK, J.)