



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

BAIL APPLICATION NO.1127/2023

KASHIRAM KRUSHNA PAWAR ..APPLICANT
VS
THE STATE OF MAHARASHTRA ..RESPONDENTS

Adv. Anil Kamble for the Applicant.
Mr. P. H. Gaikwad, APP for the State.
Adv. Priyanka Chavan for the victim.

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 in respect of the offence punishable under Sections 376 (2)(n), 384, 385, 328, 201, 503 read with 34 of the Indian Penal Code (hereafter 'IPC' for short), registered vide First Information Report (FIR) No.168/2022 with Mahad Police Station.
- 3.** The FIR was registered on 14/12/2022. The applicant was arrested on 15/12/2022. The allegation of the complainant is that sometime in May 2016, the applicant had visited their residence as the complainant's husband was not keeping well. Thereafter, the applicant spiked the

drink offered to the victim and committed an act which is an offence under aforesaid sections.

4. The applicant took some obscene pictures of the complainant and started blackmailing her. From May 2016 to September 2021, the applicant on the pretext that he will viral the photographs which he had taken, had forcible physical relations with her. The applicant from time to time took money from the complainant. The complainant on some occasions took a loan from known acquaintances and handed over the same to the applicant. It is also the allegation that the complainant sold some gold ornaments to satisfy the monetary demand of the applicant. It is also alleged that on one occasion, the applicant's wife who is the co-accused blackmailed the victim by showing the obscene photographs and asked for money.

5. The application is opposed by learned APP and learned counsel for the victim.

6. There is a delay in lodging FIR. The phone of the applicant was seized and there is nothing on record to show that the applicant had taken obscene photographs of the complainant. The possibility of the physical relation being

consensual cannot be ruled out. The applicant is in custody since 15/12/2022 and the trial will take a long time to conclude. There is nothing to indicate that the applicant is a flight risk. There are no criminal antecedents reported against the applicant. The investigation is complete. The charge-sheet has been filed. The applicant can be released on bail by imposing conditions. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicant- Kashiram Krushna Pawar in connection with FIR No.168/2022 of Mahad 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 shall report to the Investigating Officer of Mahad police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) Except for attending the investigating officer, the applicant shall not enter the jurisdiction of Mahad Police Station 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) The applicant shall not make any attempt to contact the victim or intimidate her.

(g) 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.

7. The application is disposed of.

8. I appreciate the able assistance rendered by Ms. Priyanka Chavan, learned counsel appearing on behalf of the victim.

(M. S. KARNIK, J.)