

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

CRIMINAL BAIL APPLICATION NO. 1592 OF 2022

Dattatray Damu Thorbole

...Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Sagar Tilak a/w Ms.Payal Rathod, Ms.Poonam Pal i/b
Mr.Sachin hande, for the Applicant.

Mr.Y.Y. Dabke, APP for the Respondent-State.

Mr.Ariesh jadhav a/w Mr.Rushikesh Kekare, for Respondent
No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th SEPTEMBER 2023

P.C:-

. By this Application, Applicant is seeking bail in
Crime No.275 of 2021 registered with Radhanagari Police
Station, Kolhapur for the offence punishable under Section
376(1), 354(A), 341, 323, 324, 504 and 506 of the Indian Penal
Code ('IPC' for short).

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2. It is prosecution's case that, Applicant had sexually assaulted the victim and he had beaten her with wooden stick.

3. It is contention of the learned counsel for the Applicant that, initially on 9th November 2021, the victim had lodged complaint against the Applicant under Section 354 of the IPC alleging outraging her modesty. On her complaint offence under Section 354A of the IPC was registered against the Applicant. On 16th November 2021 her Supplementary Statement was recorded and in her Supplementary Statement she has alleged that, Applicant had forcefully sexually assaulted her. The learned counsel further submitted that, victim was 37 years old when the allegations of sexual assault is made, after 8 days of initial complaint. The Applicant has been falsely implicated in this case. The Applicant is behind bar more than one year and nine months. Hence, requested to allow the Application.

4. It is contention of the learned APP that, complainant has specifically stated about the act done by the Applicant with her. Complainant was forcefully sexually assaulted by the Applicant and he had assaulted the Complainant with wooden

stick. There is *prima facie* case against the Applicant. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. Admittedly, initially complaint was lodged by Complainant against the Applicant alleging outraging her modesty and after 8 days, allegations of the sexual assault are made. Complainant is 37 years old. There is delay of 8 days for lodging the complaint of sexual assault. Investigation is completed and charge-sheet has been filed. Applicant is behind bar for more than one year and nine months.

7. Considering the above, further detention of the Applicant is not required.

8. In view of above, I pass following order.

ORDER

(i) The Applicant be released on bail in Crime No.275 of 2021 registered with Radhanagari Police Station, Kolhapur, on furnishing PR bond of

Rs.25,000/- with one or two sureties in the like amount.

(ii) After his release from jail the Applicant shall attend the Radhanagari Police Station, Kolhapur once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) The Applicant shall not enter in the village Ramanwadi, Kolhapur, where the Complainant stays, till framing of charge.

(iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.

(v) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(vi) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)