

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2297 OF 2022**

Chandrakant Bhiku Nibude ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Sachin Deokar for the Applicant.

Ms. Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 16 MARCH 2023

P.C. :-

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

2. The applicant came to be arrested in Crime No. 418 of 2019 registered at Paud Police Station, Pune Rural for the offences punishable under Sections 376(2)(f), 506 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. According to the prosecution, on the date of incident, which took place on 18 September 2019, the present applicant who is nephew of the prosecutrix committed forcible sexual intercourse with her.

5. The learned counsel for the applicant submits that applicant is aged about 65 years. It is submitted that the applicant is in jail for more than three and half years and the trial has not yet commenced.

6. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 418 of 2019 registered at Paud Police Station, Pune Rural for the offences punishable under Sections 376(2)(f), 506 of the Indian Penal Code on furnishing PR 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 Taluka Mulshi till conclusion of trial.

(N.R. BORKAR, J.)