

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

BAIL APPLICATION NO. 1609 OF 2023

Ganesh Alias Sangram Shivaji
Karande

...Applicant

vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Rushikesh C. Barge - Advocate for the Applicant
Mr. S. R. Agarkar - APP for the Respondent-State
A. S. Dhumal – PSI Lonand Police Station, Satara

CORAM : S. M. MODAK, J.

DATE : 25th JULY, 2023

P. C. :-

1. Heard learned Advocate Shri Barge for the Applicant and learned APP for the Respondent-State.
2. The present Applicant claimed to the witnesses that he is a Police Personnel. Whereas this fact is found to be incorrect. He is having i-card describing himself as Police person. It was seized from him. He has tried to lure certain victims by threatening them that he is Police personnel. In as much as there are statement of three witnesses. One is the first informant, second is one Sarika Aatale and third is one Pooja Dahibhate.

3. Though the Applicant tried to lure them, they have not succumbed to his false promises. Their identity is disclosed during investigation when criminal law was set in motion by the first informant. Their mobile numbers were disclosed during investigation and that is how police could reach to other two victims.

4. Whereas initially, offence is registered under Sections 354, 379, 504 and 506 of the Indian Penal Code with Lonand Police Station. Sum and substance of the allegation is that the first informant Rajashree Lokhande was called by the Applicant on Whats app call. She was travelling in a bus from village Wadaki, Tal. Haveli, District Pune and she was travelling to her native place at village Tambi. She got down at Lonand S.T. bus stand at 6 p.m. on 21/02/2022. The caller asked her to come at Ahilyadevi Chowk. A person came there in white colour four wheeler. He asked first informant to sit in the car and outraged her modesty. She got down from the car. The person is none other than the present Applicant. He ran away. Initially, there was no complaint of sexual intercourse. After F.I.R. she was sent for medical examination. It was done on 24/02/2023. While narrating the history Doctor has noted about blackmailing her and without much struggle there was sexual

intercourse.

5. The Applicant's contention is that no injuries are noticed on the private parts of the victim. After that the Police have recorded her supplementary statement on 25/02/2023, at page no. 80. And then applied Sections 376, 392, 170 and 506 of the Indian Penal Code.

6. Learned APP emphasized that mobile handsets of the victim was seized during the personal search of the Applicant. Furthermore, he relied upon the statements of the other victims.

7. It is true that finding out mobile belonging to the first informant with the Applicant is certainly suspicious circumstance showing the involvement of the applicant.

8. I am inclined to grant bail to the present Applicant for the reason that the incident of the sexual intercourse was not stated in the F.I.R. dated 22/02/2023. Charge-sheet is already filed. There is no reason to continue his detention. Hence the Order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant-Ganesh Alias Sangram Shivaji Karande arrested in connection with C.R. No. 0075 of 2023

registered with Lonand Police Station, Satara for the offence punishable under Sections 354, 379, 504 and 506 and added Sections 376, 392, 170 and 506 of the Indian Penal Code, be released on bail on furnishing Personal bond and surety bond in sum of Rs. 25,000/-.

- (iii) Applicant is directed to give attendance to Lonand Police Station, Satara on 02nd and 04th Wednesday from 10.00 a.m. to 12.00 noon for one year.
- (iv) Applicant shall not threaten the prosecution witnesses.
- (v) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail after notice.

9. It is made clear that the these are my *prima facie* observations and the trial Court shall decide the case on its own merits without influenced by the observations made in this order.

10. Application is disposed of in the aforesaid terms.

11. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]