

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2175 OF 2022

Swapnil D. Jagtap

...Applicant

V/s.

The State of Maharashtra and anr.

...Respondents.

Mr. Niranjana Mundargi a/w. Mr. Pruthviraj Chavan i/b Mr. Shailesh Chavan for the Applicant

Mr. P.H. Gaikwad, APP for the Respondent/State.

Mr. Rohan Holge i/b Mr. Ranjeet Patil for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 15.03.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 49 of 2022 registered at Jejuri Police Station, Pune for the offences punishable under Sections 363, 366-A, 376(3)(2) and 506 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

3. I have heard the learned counsel for the applicant, the learned APP for the respondent - State and the learned counsel for respondent No.2.

4. According to the prosecution, in the year 2020 and on 17

February 2021 the present applicant had committed forcible sexual intercourse with the victim on the false pretext that he would be marrying her.

5. The learned Counsel for the applicant has pointed out the statement of the victim recorded on 20 February 2022. In the said statement, the victim has stated that neither she was kidnapped nor she had any complaint against the present applicant. The applicant is in jail for more than one year. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No. 49 of 2022 registered at Jejuri Police Station, Pune for the offences punishable under Sections 363, 366-A, 376(3)(2) and 506 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

D] The applicant shall not tamper with the prosecution evidence.

E] The prosecution is at liberty to move an application for cancellation of bail, if the conditions are breached.

[N.R.BORKAR, J.]