

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

BAIL APPLICATION NO.2565/2022

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HARISHPRASAD HANSNATH GOUD

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Ashish Raghuvanshi i/b. Adv. R. P. Singh for the
applicant.

Mr. S. H. Yadav, APP for State.

ASI V. J. Bhosale, Shrinagar Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 25, 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 Section 376 read with 34 of the Indian
Penal Code (hereafter 'IPC' for short), registered vide First
Information Report (FIR) No.254/2021 with Shrinagar Police
Station.

3. The FIR was lodged on December 21, 2021. The
complainant and the applicant both are married. It is the
case of the complainant that she came in contact with the

applicant when she had visited her native place for her brother's wedding. Thereafter, they started interconnecting with each other. The physical relations between them are alleged to have taken place sometime in April 2019. Thereafter, the applicant and the complainant had physical relations on multiple occasions which according to the complainant was against her wishes. The FIR came to be registered on December 21, 2021 though the first of the physical relation is stated to be sometime in April 2019. *Prima facie*, it appears that the parties had consensual relations between them.

4. Learned APP tried to submit that the complainant is having a psychiatric problem and it is due to the drowsy condition she was suffering, as a result of the medication she was taking that the applicant took advantage of the situation. Considering the nature of relationship alleged, at the stage of granting bail, this submission does not appeal to me. The applicant is in custody for more than 10 months. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The possibility of the trial commencing any

time soon in the near future is remote. Hence the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant-Hariprasad Hansnath Goud in connection with FIR No.254/2021 with Shrinagar 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 the concerned police station once in two months on every Monday of the alternate month, between 11.00 a.m. and 1.00 p.m. commencing February 2023.
- (d) 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.
- (e) 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.

5. The application is disposed of.

(M. S. KARNIK, J.)