



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

BAIL APPLICATION NO. 2350 OF 2023

KISHOR BABURAO MORE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. V.V. Phatate for the Applicant.

Adv. Prashant Kamble for the Original Complainant.

Ms. Veera Shinde, APP for the State.

PSI Swati Nitinkumar S., Akluj Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 12, 2023

P.C. :

1. Heard learned counsel for the applicant, learned counsel for the original complainant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 376, 376(2)(f), 376(2)(n), 354C, 504 and 506 of the Indian Penal Code registered on 24/03/2023 vide C.R. No.178 of 2023 with Akluj Police Station, Solapur.

3. It is the case of the prosecution that the husband of the prosecutrix died 7 years ago. The present applicant is

the brother-in-law of the prosecutrix who used to frequently visit the house of the prosecutrix. The applicant committed acts with the prosecutrix which constitutes an offence under the aforesaid sections.

4. Learned APP opposed the application. Learned counsel for the prosecutrix submitted that the prosecutrix has no objection if the applicant is enlarged on bail.

5. *Prima facie*, it appears that the relationship between the applicant and the prosecutrix was consensual in nature. The investigation is complete and the charge sheet is filed. The applicant was arrested on 24/03/2023 and is now in custody for 8 months as an undertrial. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Kishor Baburao More in connection with C.R. No. 178 of 2023 registered with Akluj Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6

weeks in lieu of surety.

(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) The applicant shall not contact, intimidate or threaten the prosecutrix.

(f) 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.

(g) The applicant shall not enter the area of Seshan Jambhud, Taluka- Malshiras, District- Solapur, after being released on bail, till the trial concludes.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

7. The trial Court shall not be influenced by the observations made herein. The observations are made only for the purpose of considering the present application.

(M. S. KARNIK, J.)