

Darshan Patil

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

BAIL APPLICATION NO.3865 OF 2021

RANJEET @ SAMADHAN PANDURANG

HANDE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Umesh R. Mankapure for applicant.

Mr. S.V. Gavand, APP for State.

Mr. Ganesh Anil Kulkarni, Police Constable, Sangola Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 2, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail by the applicant- Ranjeet @ Samadhan Pandurang Hande, in connection with C.R. No. 152 of 2021 dated 02/02/2021 registered with Sangola Police Station, under sections 376, 504 and 506 of the Indian Penal Code, 1860 (hereafter 'IPC', for short).
- 3.** It is alleged by the victim that the applicant had committed rape on the victim who was a married woman.

The rape is alleged to have been committed in the agricultural field. The applicant was known to the victim and he was from the same village. In the medical evidence, there is a history of sexual intercourse as well as beating by the husband. After 10 days of the alleged incident of rape, the victim committed suicide. It is alleged that the applicant and his family members were threatening the husband of the victim that the victim will be defamed by them, if the complaint is not withdrawn.

4. Some of the relatives of the applicant had filed an application for bail before the trial Court in respect of offence punishable u/s 306, 504, 506 read with 34 of IPC in respect of C.R. no. 178 of 2021 registered with Sangola Police Station. While releasing those applicants on bail, in paragraph no. 9 the Sessions Court has observed thus:-

“9. Perusal of charge-sheet of S.C. No. 63/2021 shows that, alleged incident therein happened on 02.02.2021. Victim of that incident who has committed suicide later on mentioned in her complaint that she was knowing well that accused Ranjit and he was frequently visiting her home. In her complaint she narrated the only incident of rape dated 02.02.2021 at 6.00 p.m. Medical report of victim in this case disclosed the history of rape on 02.02.2021 at 6.00 p.m. as well as history of beaten by husband at 7.00 p.m. on 02.02.2021 with wooden stick. Certain injuries of contusion etc were noticed on her thigh and other part of the body. Which prima

facie suggests that might be her husband under suspicion of her relationship with accused Ranjit have beaten her stick. So, probability of consensual relationship cannot be ruled. Under such circumstances, probability of harassment by family resulted into committing suicide also cannot be ruled out."

5. The application for bail is strenuously opposed by the learned counsel for the prosecution. It is submitted that the statement of the victim is corroborated by the eyewitness - Yash, who rushed to the spot on hearing the screams of the victim when she was being allegedly raped. Unfortunately, the victim is no more as she has committed suicide. However, having regard to the observations made by the trial Court referred to here-in-before and the fact that now the charge-sheet has been filed and the investigation is complete, the applicant being in custody for more than 11 months, no purpose will be served by prolonging the custody of the applicant. In my opinion, the applicant could be released on bail. Hence the following order.

ORDER

(a) Applicant- Ranjeet @ Samadhan Pandurang Hande shall be released on bail in connection with C.R. No. 152 of 2021 dated 02/02/2021 registered with Sangola Police Station, on furnishing P.R. Bond of Rs.25,000/- with one or

more sureties in the like amount.

(b) The applicant shall report to the Sangola Police Station once in a month i.e. on first Monday between 11.00 a.m. and 01.00 p.m.

(c) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the Sangola Taluka, District Solapur after being released on bail.

(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 where he will be staying while residing outside the Sangola Taluka, District Solapur, to the Investigating Officer and shall keep him updated, in case there is any change.

6. The Bail Application is disposed of.

(M. S. KARNIK, J.)