

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2790 OF 2022

Akash M. Karande

...Applicant

V/s.

The State of Maharashtra and anr.

...Respondents.

Mr. A.B. Kadam for the Applicant.

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

Ms Kanchan Pawar for the Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 17.01.2023.

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 C.R. No. 151 of 2022 registered at Vadgaon Nimbalkar Police Station, Pune for the offences punishable under Sections 376(2)(N), 305, 506 read with 34 of the Indian Penal Code and Sections 4, 5(L), 6, 8, 10 and 12 of Protection of Children from Sexual Offences Act.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State and the learned counsel for respondent No.2.
4. The deceased was the daughter of the complainant. The applicant appears to be relative of the complainant. According to the complainant, the applicant used to misbehave with the

deceased and thus report was lodged against him on 6 November 2019. The marriage of the deceased was thereafter solemnized in June 2020 with one Akshay Godse. It appears that after marriage, he found certain intimate photographs of the applicant and the deceased and forwarded it to the complainant. The deceased was sent back to her parents house. It appears that the deceased thereafter committed suicide on 30 March 2022.

5. According to the complainant even after marriage of the deceased, the applicant was threatening her to marry him. It is alleged that the parents of the applicant were also insisting her to marry him and thus she committed suicide.

6. It appears that on 16 March 2022, the deceased came to her parents house. She was thereafter questioned about the alleged intimate photographs with the applicant. However, no report was lodged thereafter against the applicant and his parents and it came to be lodged only after her death.

7. As regards the allegations of rape, the same came to be made for the first time in supplementary statement dated 4 April 2022. Apart from it, according to the complainant the deceased disclosed to him about the said fact in the month of February 2022, however, no report was lodged at that time.

8. Considering the above facts and circumstances, 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. 151 of 2022 registered at Vadgaon Nimbalkar Police Station, Pune for the offences punishable under Sections 376(2)(N), 305, 506 read with 34 of the Indian Penal Code and Sections 4, 5(L), 6, 8, 10 and 12 of 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.

[N.R.BORKAR, J.]