

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

CRIMINAL BAIL APPLICATION NO. 2805 OF 2022

Parshuram Laxman Ghorpade

...Applicant

V/s.

The State of Maharashtra

... Respondent

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Mr.Rajaram Vaman Bansode, for the Applicant.
Ms.P.N. Dabholkar, APP for the Respondent-State.
Ms.Priyanka Chavan, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th SEPTEMBER 2023

P.C:-

. By this Application, Applicant is seeking bail in Crime No.434 of 2022 registered with Indapur Police Station, District-Pune, for the offences punishable under Sections 376, 504 and 506 of the Indian Penal Code ('IPC' for short).

2. It is prosecution's case that, she had acquainted with the Applicant prior to six months of the incident. On 11th December 2021 about 1.00 p.m., when she was watering the

crops in the agricultural land, Applicant came there and started misbehaving with her. He then pulled her and committed forcible sexual intercourse with her despite her resistance. It is further alleged that Applicant then threatened her that, if she discloses the incident to any one, he would kill her. Due to fear of Applicant she did not disclose said incident to any one. After some day's her stomach was got enlarged. Her mother took her to hospital, doctor informed that, she was pregnant of six months. Thereafter, she lodged complaint against the Applicant.

3. It is contention of the learned counsel for the Applicant that at the time of the incident victim was 21 years old. The said sexual intercourse was consensual. There is delay of six months in lodging the FIR. The Applicant is behind bar more than 1 years. Investigation is completed and charge-sheet has been filed. The learned counsel for the Applicant further submitted that, victim has got married and she is staying with her husband.

4. The learned APP submitted that, through there is delay due to fear of Applicant, victim could not disclosed the said

fact to any one. It was forcible sexual assault on the victim. If Applicant released on bail he may threaten victim and prosecution witnesses. Hence, requested to reject the Application.

5. The learned counsel for Respondent No.2 reiterates the submission of learned APP.

6. I have heard all learned counsel. Perused FIR and charge-sheet.

7. There is delay of six months in the lodging of complaint. At the time of the incident the age of victim was 21 years old. She lodged complaint only after when she came to know that she is pregnant. The Applicant is behind bar more than one year. Investigation is completed and charge-sheet has been filed. No further detention of the Applicant is required.

8. In view of above, I pass following order.

ORDER

(i) The Applicant be released on bail in Crime No.434 of 2022 registered with Indapur Police

Station, Pune, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The Applicant shall not enter the village Bawada, Taluka-Indapur, where the incident happened and Karmala City, Distict-Solapur, where victim stays with her husband, till deposition of the victim.

(iii) After his release from jail the Applicant shall attend the Indapur Police Station, Pune, once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iv) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)