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

BAIL APPLICATION NO.2948 OF 2023

BAPURAO SHANKAR JADHAV ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
INTERIM APPLICATION NO.4177 OF 2023
IN
BAIL APPLICATION NO.2948 OF 2023**

MADHURI LAXMAN JADHAV ..APPLICANT
VS.
THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Adv. Neha Ramesh Kokare for the applicant.
Adv. Shailesh D. Chavan for the complainant.
Mr. P. H. Gaikwad, APP for the State.
PC Jaysing Rohidas Kachare, Malegaon Police Station,
Baramati, Pune Rural.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 12, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.
2. This is an application for bail in respect of the offence punishable under Sections 376(1), 354(A), 354(B), 506 of

the Indian Penal Code (hereafter 'IPC' for short) registered on 21.06.2023 vide FIR bearing C.R. No.299 of 2023 with Malegaon Police Station, Pune Rural, District Pune.

3. The applicant was arrested on 21.06.2023. It is the prosecution case that the applicant committed an act on the prosecutrix which constitutes the offence punishable under the aforesaid sections. The prosecutrix alleged that when she had been to answer the nature's call on 21.06.2023 at 12.30 a.m., the applicant at the point of knife committed forcible sexual intercourse with her without her consent. The prosecutrix screamed for help when members of the family rushed at the spot and caught hold of the applicant.

4. Learned APP and learned counsel for the complainant vehemently opposed the application for bail.

5. My attention is invited to the statement of the prosecutrix and the statement of the other witnesses to demonstrate that the applicant was caught red handed.

6. The perusal of the medical history and the narration of the victim therein would reveal that the possibility of the relations being consensual cannot be ruled out. These are

prima facie observations for the purpose of deciding this bail application. The trial Court shall not be influenced by these observations. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedent reported against the applicant. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Bapurao Shankar Jadhav in connection with FIR bearing C.R. No.299 of 2023 registered with Malegaon 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 is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Malegaon Police Station once in three months every first Monday of the concerned month between 11.00 a.m. and 1.00 p.m. commencing January 2024.

(e) 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.

(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) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the area of Khandaj, Malegaon, Taluka Baramati 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.

(i) The applicant shall not to threaten or contact with the witnesses.

7. The bail application is disposed of.

8. Interim application is also disposed of.

(M. S. KARNIK, J.)