



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

BAIL APPLICATION NO. 3114 OF 2023

DURYODHANA DURGACHARAN MAHALI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Rahul Singh for the Applicant.

Ms. Veera Shinde, APP for the State.

PSI S.G. Deshmukh, Khadakpada Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 04, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 323, 376, 376(2)(n), 504 of the Indian Penal Code registered on 18/11/2020 vide C.R. No.382 of 2020 with Khadakpada Police Station, Thane.
- 3.** The crime was registered on 13/11/2020 at the instance of the informant initially with Waliv Police Station, Vasai bearing FIR No. 973 of 2020. The applicant was

arrested on 15/11/2020. The applicant is in custody almost for the period of 3 years. The trial has not commenced yet and is likely to take a long time to conclude.

4. I have gone through the FIR lodged by the prosecutrix. *Prima facie*, it appears that the relationship between the applicant and the prosecutrix was consensual in nature. It is the case of the prosecutrix that on the false promise of marriage, the applicant induced her to have sexual physical relations with her.

5. In the facts of the present case, though the application is opposed by the learned APP contending that consent was obtained from the prosecutrix on the false promise of marriage, in my opinion, the applicant can be enlarged on bail, considering that the applicant is now in custody as an undertrial for almost 3 years period. There are no criminal antecedents reported against the applicant. The trial is likely to take long time to conclude. The investigation is complete and the charge-sheet has been filed. The applicant will face the consequences post-trial if found guilty. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Duryodhana Durgacharan Mahali in connection with C.R. No.382 of 2020 registered with Khadakpada 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 Khadakpada police station once in three months, first Monday of the concerned month, between 11.00 a.m. and 1.00 p.m. commencing December, 2023.

(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) The applicant shall not enter the area where the victim is residing and working 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 contact or intimidate or threaten the victim.

6. The application is disposed of.

(M. S. KARNIK, J.)