

Digitally
signed by
DINESH
SADANAND
SHERLA
Date:
2023.03.09
17:13:43
+0500

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3694 OF 2022

Rohidas G. Hulmukhe

...Applicant

V/s.

The State of Maharashtra and anr.

...Respondents.

Mr. Aniket Nikam i/b Mr. Amit Icham for the Applicant.

Mrs. Rutuja Ambekar, APP for the Respondent/State.

Mr. Sudip Mallick i/b Chetan S. Damre for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 20.01.2023.

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 Crime No.379 of 2021 registered at Warje Malwadi Police Station, Pune for the offences punishable under Sections 376, 376(2)(n), 506 of the Indian Penal Code and Sections 3, 4, 5 (1) and 6 of the Protection of Children from Sexual Offences Act.
3. I have heard the learned counsel for the applicant, the learned APP for the respondent - State and so also the learned counsel for the complainant/respondent No.2.
4. The allegations against the present applicant are of penetrative sexual assault.

5. The respondent No.2/complainant has filed the affidavit that she misunderstood the disclosure made by the victim to her about the alleged incident and lodged the report. It is stated that she and victim do not have any objection if the applicant is released on bail. Even otherwise from the medical evidence, it does not appear to be case of penetrative sexual assault. Considering the overall facts and circumstances of the case and as the applicant is in jail for more than one year, 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. 379 of 2021 registered at Warje Malwadi Police Station, Pune for the offences punishable under Sections 376, 376(2)(n), 506 of the Indian Penal Code and Sections 3, 4, 5 (1) and 6 of the 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.]