

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3292 OF 2022

Ashish Bhigwan Tupange

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mrs. Sangeeta Patil a/w Mr. Rajendra Tajane i/b Mr. Mangesh Deshmukh,
Advocate for the Applicant.

Ms. P. N. Dabholkar, APP for Respondent No.1-State.

Ms. Sneha Sanap appointed, Advocate for the Respondent No.2.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 19th OCTOBER, 2023.

P.C. :

1. By this Application, Applicant is seeking bail in C. R. No.90 of 2022 registered with Shahapur Police Station, Dist - Thane for the offences punishable under Section 305, 341, 354(b), and 506 of Indian Penal Code, 1860 (for short "IPC") and Section 12 of Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act")

2. It is prosecution's case that Applicant had friendship with the daughter of first informant. The said friendship blossomed in to love affair between them. Hence, first informant sent his daughter to his

sister-in-law's village to stay there. Thereafter, victim/daughter of first informant came to her house for examination of 12th standard. She told her mother that applicant was harassing her. Thereafter, first informant and his wife and relatives took meeting with mother, father and relatives of Applicant and Applicant was warned not to harass to the victim /daughter of first informant. On 4th March, 2022, victim was not ready to go to attend the examination paper, when the first informant asked her why she is not willing to go, she told to first informant that if she goes to attend the paper, Applicant would come there and he would harass her. The first informant told her nothing would happen you go. Thereafter, first informant went. In afternoon he came to know that his daughter had not come to home. When search was taken place the body of victim found in one well with stone tied with her waist. On complaint of first informant FIR was registered against the applicant.

3. It is contention of learned counsel for the Applicant that Applicant has been falsely implicated in this case. Nothing incriminating material produced on record to show involvement of Applicant with the present crime. No CDR produced on record to

show that Applicant had threatened the victim. No witnesses have stated against the Applicant that he had threatened or harassed the victim. Applicant is behind the bar for more than nineteen months. Hence, requested to allow the Application.

4. Learned counsel for the respondent no.2 submitted that Applicant was harassing the victim. Victim had stated the said facts to her mother and father. There is strong *prima facie* case against the applicant. If applicant is released on bail, he may threaten the prosecution witnesses. Hence, requested to reject the application.

5. Learned APP reiterates the submission of learned counsel for the respondent no.2.

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

7. It is alleged that Applicant was harassing the victim-girl. No incriminating material produced on record to show that Applicant had harassed the victim girl. No CDR is produced on record to show that Applicant had contacted the victim. Applicant is behind bar for more than nineteen months. Investigation is completed and charge-

sheet has been filed.

8. Considering the above facts, further detention of Applicant is not required.

9. In view of above I pass following order.

ORDER

(i) Applicant be enlarged on bail in C. R. No.90 of 2022 registered with Shahapur Police Station, Dist - Thane, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(ii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.

(iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the

Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.

10. The application is allowed in the aforesaid terms and is accordingly disposed of.

11. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this Order.

12. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)