

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

CRIMINAL BAIL APPLICATION NO.3766 OF 2022

Madhav @ Mahadeo Mahendra
Suryawanshi

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Veerdhaval Kakade i/by Mrunal Jadhav Advocate for the Applicant.

Ms. P. N. Dabholkar APP for Respondent-State.

Mr. Vijaysingh A. Rathod Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th OCTOBER, 2023

ETHAPE
DNYANESHWAR
ASHOK
Digitally signed
by ETHAPE
DNYANESHWAR
ASHOK
Date: 2023.10.18
17:13:50 +0530

P.C.:

1. By this application, the applicant is seeking bail in connection with Crime No. 40 of 2022 registered with Bhigwan Police Station, Baramati for the offences punishable under Sections 376(2)(1) and 376(2) of the Indian Penal Code, 1860 and Sections 4, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w), 3(1)(w)(2), 3(1)(2), 3(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is the prosecution case that on 11th February 2022 when the first informant had slept in her house when she woke up, she noticed

that her grand-daughter was not at her place. Therefore, she called her daughter to search for her. First informant found victim on the terrace of their house along with applicant. By seeing the first informant, applicant ran away. Thereafter the first informant and her daughter enquired with the victim about the incident. The victim told that the applicant obtained her mobile phone number from somebody and he used to do chatting with her and repeatably demanding meet him. Approximately about four month prior to the incident, one night he came on the terrace and met her and told that he likes her very much and he committed forcible sexual intercourse on her without her consent. The applicant threatened her if she disclosed it to anybody. Thereafter he used to continue with the chat and had committed sexual intercourse without her consent. Thereafter FIR lodged against applicant.

3. It is the contention of learned counsel for the applicant that the act happened out of love affair. The applicant is 25 years old and the victim was more than 14 years old. There is delay of 10 days in lodging the FIR. The applicant is behind bar more than one year and six months. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the application.

4. It is the contention of learned APP that the applicant had

sexually assaulted the victim without her consent. The medical report supports the statement of witness. There is prima facie case against the applicant. If the applicant is released on bail he may threaten the victim and prosecution witness. Hence, requested to reject the application.

5. Learned Counsel for Respondent No.2 submits that complainant has no objection to allow the application.

6. I have heard both learned counsel, perused the FIR and charge-sheet.

7. There is ten days delay to lodge the complaint. Applicant is behind bar more than one year. Investigation is completed and charge-sheet has been filed. It may take time to conclude the trial.

8. Considering the above facts, further detention of applicant is not required. In view of above, I pass following order:

ORDER

(i) Applicant be enlarged on bail in Crime No. 40 of 2022 registered with Bhigwan Police Station, Baramati, on executing PR bond in the sum of Rs. 30,000/- 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 Monday between 11.00 a.m.

to 3:00 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, witnesses or any person concerned with the case.

(v) The application is allowed in the aforesaid terms and is accordingly disposed off.

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

[SHIVKUMAR DIGE, J.]