

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3915 OF 2022

Shubham Vinayak Bane ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Zaid Qureshi for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 24 MARCH 2023

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 472 of 2022 registered at Hinjewadi Police Station, Pune for the offences punishable under Sections 328, 342, 376(2)(j) of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. According to the prosecution, the victim and the present applicant were studying in the same college. It is alleged that on the date

of incident which took place on 23 May 2022, the applicant came to the hostel, where the victim was staying and told her that he had some serious issue to discuss with her and told her to accompany him. It is alleged that the applicant took her to his house and offered her some cold-drink. It is alleged after consuming the said cold-drink she started vomiting. It is alleged that he then told her to sleep in his house. According to the prosecution, the present applicant committed forcible sexual intercourse with the victim, while she was sleeping in his house.

5. Prima facie, the alleged act appears to be consensual. The applicant is in jail for about one year. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Shubham Vinayak Bane be released on bail in Crime No. 472 of 2022 registered at Hinjewadi Police Station, Pune for the offences punishable under Sections 328, 342, 376(2)(j) of Indian Penal Code, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not contact the victim either directly or indirectly.
- (iv) The prosecution is at liberty to file application for cancellation of bail if the aforesaid condition is breached.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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