



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

BAIL APPLICATION NO. 3906 OF 2023

PRAMOD SHARAD KALE .. APPLICANT
VS.
THE STATE OF MAHARASHTRA RESPONDENT

Mr. Rajaram Bansode, for Applicant.
Ms. Rutuja Ambekar, APP for State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 11, 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 376, 452, 506 of the Indian Penal Code, 1860 registered on 10/10/2023 vide C.R. No.331 of 2023 with Natepute police station, District- Solapur Rural. The applicant was arrested on 10/10/2023.
3. The applicant is the cousin brother of the husband of the prosecutrix. The prosecutrix is working as a police constable with the Central Industrial Security force. It is the accusations that on 06/10/2023 when the prosecutrix was in the house along with the family members, the applicant

quietly entered into her room and committed the aforesaid offence at the point of knife. The applicant informed this incident to her husband on the next day i.e. 07/10/2023. The FIR was registered after 4 days. Learned APP submitted that the delay in registering FIR in the present case is not fatal as in any case there are matters to be dealt with at the time of trial.

4. In the facts and circumstances of the present case, prima facie, I find that the delay of 4 days in registering FIR can enure to the benefit of the applicant for the purpose of bail. No doubt, whether the delay is fatal to the prosecution or not is an aspect which will be considered by the trial Court at the time of trial. My observations which are prima facie are limited for the purpose of considering the application for bail and the trial Court shall not be influenced by these observations. The trial shall proceed on its own merits and in accordance with law.

5. Learned counsel for the applicant on instructions states that the applicant is willing to reside outside the jurisdiction of Natepute police station till further orders of the trial court. Though the application is vehemently

opposed by learned APP, in the facts and circumstances of the present case, since the investigation is complete, charge-sheet has been filed, I am inclined to enlarge the applicant on bail. Further incarceration of the application will only be by way of a pre-trial punishment in the facts and circumstance of the case. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Pramod Sharad Kale in connection with C.R. No.331 of 2023 registered with Natepute police station, Solapur Rural 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 Natepute police station, Solapur Rural once in a month on first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicant shall not enter the the jurisdiction of Natepute police station, Solapur Rural after being released on bail, till further orders of the trial Court.

(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 threaten the victim or intimidate the witnesses or try to establish any contact with them.

6. The application is disposed of.

(M. S. KARNIK, J.)