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

BAIL APPLICATION NO.3974 OF 2023

SANTOSH SAMBHAJI KENDRE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Amit Icham i/b. Aashish Satpute for the applicant.

Ms. Veera Shinde, APP for the State.

API Deshmukh, Vimantal Police Station, Pune.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 14, 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, 354-C, 506 of the Indian Penal Code (hereafter 'IPC' for short) registered on 23.04.2022 vide C.R. No.144 of 2022 with Vimantal Police Station, District Pune.

3. The date of the incident is 22.04.2022. It is the case of the prosecutrix that the accused took her to a flat on the pretext of showing her a premise which she wanted on rent

and thereafter committed the act which is an offence under the aforesaid sections. It is also alleged that the applicant made a video clip of the prosecutrix and threatened that he will make the same viral if she discloses the incident to anyone.

4. Learned APP submitted that the statement of the victim and the materials on record as well as the statements of the neighbours who attended to the victim when the victim shouted for help support the case of the prosecutrix.

5. Learned counsel for the applicant on instructions submitted that the applicant will not enter Pune district till the conclusion of the trial.

6. According to learned counsel for the applicant the medical history documents on record does not support the case of the prosecutrix. The applicant was arrested on 23.04.2022 and is now in custody for more than eighteen months. I have carefully perused the statement of the prosecutrix and also perused the medical reports. The trial is not likely to conclude any time soon. Any further

incarceration will only be by way of a pre-trial punishment. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. In the facts and circumstances of the present case I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Santosh Sambhaji Kendre in connection with C.R. No.144 of 2022 registered with Vimantal Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Vimantal Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) 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.

(e) 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.

(f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Pune District after being released on bail, till further orders of the trial Court.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall not contact, threaten or intimidate the witnesses.

7. The application is disposed of.

(M. S. KARNIK, J.)