

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

CRIMINAL BAIL APPLICATION NO.329 OF 2024

Sagar *alias* Shrikrishna Arjun Avghade

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Ranjit Patil i/by Ms.Priyanka Gupta and Mr. Rupesh Zade,
Advocate/s for the Applicant.

Ms. S. S. Kaushik, APP for Respondent- State.

Mr. Sachin Gite for Respondent No.2.

Police Naik - Ms. Nilam Santosh Raskar, Dahiwadi Police Station,
Satara, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 1st March 2024

P. C.

1. Heard Mr. Patil, learned Counsel appearing for the Applicant, Ms. Kaushik, learned APP appearing for the Respondent-State and Mr. Gite, learned Counsel appointed to represent the interests of Respondent No.2.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C.R. No.	419 of 2020
2.	Date of registration of F.I.R.	15 th October 2020
3.	Name of Police Station	Dahiwadi, District-Satara
4.	Section/s invoked	354A, 354C, 376(1) of <i>Indian Penal Code, 1860</i> ; 3(1)(w)(i) and 3(1)(w)(ii) of

		the <i>Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989</i>
5.	Date of incident	12 th October 2020
6.	Date of arrest	16 th October 2020
7.	Date of filing Charge-sheet	14 th December 2020

3. As per the prosecution case, the Applicant and the victim started chatting on WhatsApp for about two months prior to the incident in question. During the said WhatsApp conversation, the Applicant told the victim his name as Suraj Dattatray Nale. The Applicant has concealed his real name as well as his caste. On 12th October 2020, the victim received a call from the Applicant and thereafter both of them met at a certain place and both of them went on the two-wheeler vehicle of the victim to a secluded place. At that place, after some time, some altercation took place between them and it is the allegation in the complaint that the Applicant has sexually assaulted the victim. It is also stated in the F.I.R. that at that time, Accused No.2 - Pappu *alias* Amol Kharat arrived at the said spot and started clicking their photographs. He also started touching the victim and even as per the F.I.R., the Applicant apprehended the same and the Applicant immediately took the victim and reached at her village.

4. Mr. Patil, learned Counsel appearing for the Applicant submitted that this is a case where the friendship developed between the Applicant

and victim through WhatsApp chats and they met personally on 12th October 2020. He contended that the relationship is consensual. He submitted that even the medical evidence also supports his said contention. He submitted that the Applicant is in custody since 16th October 2020 and there is no progress in the trial and even the Charge is not framed yet.

5. On the other hand, Ms. Kaushik, learned A.P.P. and Mr. Gite, learned Counsel appointed to represent the interest of the Respondent No.2 submitted that although there were previous WhatsApp chats between the Applicant and the victim, both of them personally met on the very day on which day the incident took place. They submitted that medical evidence shows that there is an abrasion. They submitted that the other contents of the medical evidence supports the case of the prosecution. Both of them submitted that in fact the Applicant has called his friends at the same place and he has clicked photographs and therefore, bail be not granted.

6. Perusal of the record shows that the incident in question took place on 12th October 2020, the F.I.R. was registered after 3 days i.e. on 15th October 2020 and the Applicant was apprehended on 16th October 2020. The Applicant is in custody for about 3 years and 4 months. There is no progress in the trial and even the Charge is not framed yet. As per the Charge-sheet, there are 24 witnesses proposed to

be examined by the prosecution. The trial is likely to take a considerably long time.

7. The Applicant is a young person aged 22 years and he is a student.

8. The Applicant does not appear to be at risk of flight.

9. The Applicant does not have any criminal antecedents.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant-Sagar *alias* Shrikrishna Arjun Avghade be released on bail in connection with C. R. No.419 of 2020 registered with the Dahiwadi Police Station, District - Satara on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Dahiwadi Police Station, District-Satara on the Sunday of every week between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) The Applicant shall not enter Taluka Phaltan, District-

Satara.

(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 such a person from disclosing the facts to the Court or to any Police personnel.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any prosecution witnesses in any manner.

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

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

11. The Bail Application is disposed of accordingly.

12. It is clarified that the observations made herein are *prima facie*, and the trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

13. This Court places on record its appreciation for the valuable assistance rendered by Mr. Sachin Gite, the learned Counsel representing the interest of the Respondent No.2.

[MADHAV J. JAMDAR, J.]