

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.4375 OF 2024

Vishnu Gulab @ Chandrakant ... Applicant
 Bargande

V/s.

The State of Maharashtra ... Respondent

Mr. Manoj Mohite, Senior Advocate a/w. Priyanka Chavan and Ilsa Shaikh, for the applicant.

Ms. Veera Shinde, APP, for the Respondent / State.

Mr. Vikrant Phatate, for the respondent no. 2.

PSI, S.L. Jamdade, Solapur Rural, Present.

CORAM : ANIL S. KILOR, J.

DATE : 18TH DECEMBER, 2024.

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1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.847 of 2021, registered with Faujdar Chawdi Police Station, Dist: Solapur City for the offences punishable under Sections 376, 376(2)(n), 376-D, 504 and 506 r/w 34 of the Indian Penal Code.
3. Having gone through the charge-sheet and the relevant material collected by the IO during the investigation, it is evident that

the victim along with the accused no. 1 stayed for about 9 months and then went back to her husband's house and lodged the complaint belatedly.

4. As far as the applicant is concerned, he is accused no.2, and as regards the applicant allegation is that on 31.10.2021, he committed rape on the victim. There is a delay about 3 months in lodging the complaint. Furthermore, there are certain statements of neighbours who have stated in their statements that the victim and the accused no. 1 left the said place where the alleged incidence took place on 25.10.2021 i.e. a week before the alleged incident.

5. In the circumstances, though there are antecedents against the applicant which are of not similar nature, in absence of sufficient *prima facie* material to show the complicity of the applicant and further considering the delay in lodging the complaint, coupled with the fact that the charge-sheet has been filed, I am of the opinion that the applicant is entitled for grant of bail.

6. The applicant is in jail from last more than one year.

7. The learned APP and the learned counsel for the respondent no. 2, however, strongly opposed the application and expressed the apprehensions that if the applicant is released on bail, he may pressurize the prosecution witnesses and in that case there will be no fair trial.

8. The learned counsel for the respondent no. 2 has pointed out that a complaint lodged by the uncle of the victim alleging that the accused tried to pressurize the prosecution witnesses.

9. Considering the said apprehensions, the learned counsel for the applicant, on instructions, makes a statement that the applicant is ready to abide by any condition including to stay outside of the territorial jurisdiction of Faujdar Chawdi Police Station, District-Solapur, till the conclusion of the trial, except for attending the trial.

10. Accordingly, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant be released on bail in connection with in Crime No.847 of 2021, registered with Faujdar Chawdi Police Station, Dist: Solapur City for the offences punishable under Sections 376, 376(2)(n), 376-D, 504 and 506 r/w 34 of the Indian Penal Code, on furnishing P.R. Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the said Police Station on 1st day of every month between 10.00a.m. to 11.00 a.m., till the conclusion of the trial except on the date of trial;
- iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper

with the evidence;

v) Liberty is granted to the State to apply for cancellation of bail in case of any breach of condition or if the applicant misuse of liberty;

vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The application is disposed of.

(ANIL S. KILOR, J)