

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

CRIMINAL BAIL APPLICATION NO. 4146 OF 2023

Ravindra Kashinath Mane ... Applicant.

V/s.

The State of Maharashtra & Anr. ... Respondents.

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Shri Dilip B. Shinde a/w Mohan C. Kumbhar i/b Mukund S. Mane,
Advs. for Applicant

Ms Sangeeta Yadav, APP for the State.

Ms Anushka Nayar, Advocate (Appointed) for Respondent No.2.

CORAM : ANIL S. KILOR, J.

DATE : 21ST JUNE, 2024.

PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.45 of 2021, registered with Pusegaon Police Station, District: Satara for the offences punishable under Sections 452, 376(2)(f), 376(3), 323, 504 and 506 of the Indian Penal Code and Section 3(a), 4, 5(n), 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(e), 3(1)(r), 3(1)(w)(ii), 3(2)(v), 3(2)(va), 3(1)(w)(i) and 6 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The learned counsel for the applicant submits that the complaint was made after 13 months. It is pointed out that the victim is the younger sister of the wife of the applicant and there was intercaste marriage. It is argued that a false complaint came to be lodged against the applicant and it can be seen from the fact that on 10/02/2021 wife of the applicant left the house of the applicant and went to her parents' house and on 19/02/2021 the complaint was lodged stating that the alleged offence took place in the month of January 2020. It is pointed out that the applicant is in jail from 3 years and 4 months and there is no material collected by the Investigating Officer during the investigation to show the involvement of the applicant in the alleged offence. Accordingly, he prays for grant of bail.
4. The learned A.P.P., on the other hand, strongly opposed the application and submits that the offence is very serious and though there is a delay, it was caused because the complainant was mentally disturbed.
5. The learned counsel for the victim reiterates the submission of the learned APP and further submits that there was a threat and because of the same immediately the complaint was not made. The learned counsel for the victim further submits that if the applicant is released on bail he may pressurize the prosecution witnesses or tamper with the prosecution evidence. She, therefore, prays for rejection of the present application.

6. In light of the rival submissions and having considered the material collected by the Investigating Officer during investigation, it is evident that the complaint was lodged after 13 months and no justifiable reasons are pointed out for such delay. As far as medical documents about the treatment of the victim is concerned, those are not of the relevant period but those are of the period just before the lodgment of the complaint.
7. The incident took place at the place of the sister of the victim and the record shows that it was the small house and while incident took place the maternal uncle was sleeping in the adjacent room.
8. Furthermore, it appears that on 10/02/2021 the sister of the victim left the company of the applicant and on 19/02/2021 the complaint was lodged with the Police.
9. Thus, it creates doubt about the veracity of the allegations. Furthermore, considering the period of incarceration of the applicant and the fact that investigation is completed, I am of the opinion that this is a fit case for grant of bail.
10. As far as apprehension expressed by the learned APP and the learned counsel for the victim that there is possibility of tampering the evidence or pressurizing the witnesses by the applicant, the same can be addressed by putting some stringent conditions.
7. In the circumstances, I pass the following order:

- i) The Criminal Application is allowed.
- ii) It is directed that the applicant shall be released on bail in connection with Crime No.45 of 2021, registered with Pusegaon Police Station, District: Satara for the offences punishable under Sections 452, 376(2)(f), 376(3), 323, 504 and 506 of the Indian Penal Code and Section 3(a), 4, 5(n), 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(e), 3(1)(r), 3(1)(w)(ii), 3(2)(v), 3(2)(va), 3(1)(w)(i) and 6 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing P. R. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall not enter the territorial jurisdiction of Taluka : Khatav, District : Satara, till conclusion of the trial, except for attending the trial.
- iv) The applicant shall provide his address and name of the nearby police station to the Investigating Officer, which he shall attend on 1st and 16th day of each month between 12:00 noon and 2:00 pm, till conclusion of the trial;
- v) 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;

- vi) Liberty is granted to the State to apply for cancellation of bail if the applicant commits similar offence.
- vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

Fees of Ms Anushka Nayar, learned counsel appointed to represent the respondent No.2 be quantified as per the Rules.

(ANIL S. KILOR, J)