



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

CRIMINAL APPEAL NO.10 OF 2024

VIKAS PANDURANG PATIL

..APPELLANT

VS.

1. THE STATE OF MAHARASHTRA

2. MRS. "X"

..RESPONDENTS

Adv. Tushar Sonawane a/w Adv. Pooja Satpute for the
appellant.

Mr. S. H. Yadav, APP for the State-respondent No.1.

Adv. Manisha Jagtap for respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 12, 2024.

JUDGMENT :

1. Heard learned counsel for the appellant, learned APP
for the State and learned counsel for respondent No.2.

2. This is an appeal for quashing and setting aside the
impugned order dated 18.12.2023 rejecting the bail
application passed by the Extra Joint Additional Sessions
Judge, Barshi in connection with C.R. No.619 of 2023
registered with Barshi City Police Station, District Solapur
for the offences punishable under Sections 376, 376(2)(n),
403 of the Indian Penal Code and under Sections 3(1)(w)(i)

(ii), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereafter "Atrocities Act", for short).

3. The date of the incident is 05.08.2023. The FIR was registered on 08.08.2023. The appellant was arrested on 19.09.2023. The appellant was working as a bus driver on contract basis. Respondent No.2 was working as a nurse in the hospital at Pandharpur. The complainant alleged that she was regularly travelling in the S.T. bus of which the appellant was a driver. Taking advantage of these friendly relations, on the promise of marriage, the appellant took the respondent No.2 to a lodge and committed the act which is an offence under the aforesaid sections on the respondent No.2 who is married having children. When the respondent No.2's husband came to know about the relationship, he started quarreling with the appellant. The appellant avoided the complainant and did not keep the promise of marrying her.

4. Learned APP as well as learned counsel for respondent No.2 opposed the appeal for bail. Learned counsel for

respondent No.2 while opposing the appeal submitted that the family members of the appellant are threatening the complainant. An apprehension is therefore expressed if the appellant is enlarged on bail, he will tamper with the evidence.

5. Learned counsel for the appellant submitted that if this Court is inclined to grant the bail, in such a case the appellant is even willing not to enter the area of the village where the complainant is residing. It is further submitted that the appellant will not enter the area where the complainant is employed.

6. The appellant was arrested on 19.09.2023. The charge-sheet has been filed. The trial is not likely to conclude soon. In the facts and circumstances of the present case, prima facie, the possibility of a consensual relationship between the parties cannot be ruled out. To allay the apprehension of the respondent No.2, I propose to impose stringent conditions. There are no criminal antecedents reported against the appellant. Hence, the following order :-

ORDER

- (a) The Criminal Appeal is allowed.
- (b) The appellant-Vikas Pandurang Patil in connection with C.R. No.619 of 2023 registered with Barshi City Police Station shall be released on bail on his furnishing P.R. Bond of Rs.10,000/- with one or more sureties in the like amount.
- (c) The appellant 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 appellant shall not tamper with evidence.
- (d) On being released on bail, the appellant shall furnish his contact number and residential address to the Trial Court as well as the Investigating Officer and shall keep him updated, in case there is any change.
- (e) The appellant shall not enter the area where the complainant is residing or discharging her duties as an employee of the private hospital.
- (f) The appellant shall attend the trial regularly.

7. The Criminal Appeal is disposed of.

8. I appreciate the assistance rendered by Advocate Manisha Jagtap, who appeared on behalf of respondent

No.2 at my request. The Maharashtra State Legal Aid Services Authority may regularize the engagement of Advocate Manisha Jagtap.

(M. S. KARNIK, J.)