

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

CRIMINAL BAIL APPLICATION NO.572 OF 2024

Shridhar Satyavan Sawant Applicant
Versus
The State of Maharashtra Respondent

Mr. Shivshankar D. Patil, Advocate for the Applicant.
Mr. C.D. Mali, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking bail in connection with C.R.No.1135/2023 registered at Sangola Police Station, District-Solapur on 13.12.2023 under Sections 376, 376(2)(n), 341 read with 34 of IPC.

2. Heard Mr. Shivshankar Patil, learned counsel for the Applicant and Mr. C.D. Mali, learned APP for the Respondent-State.

3. The Applicant is arrested on 14.12.2023 and since then he is in custody.

4. The FIR is lodged by the victim herself. She has stated that she was 20 years of age. She was residing with her parents, brother and sister. She got married with her husband about two years prior to lodging of the FIR. Her husband was working in a Bank at Pune. They were staying at Chinchwad. On 14.9.2023, she had come back to her parent's house at Katphal for *pola* festival. At that time, the main accused Tejas used to call her regularly. On 11.10.2023, the Applicant asked her to accompany him outside the village because Tejas was waiting for her. It is her case that out of fear she went there with the Applicant. Said Tejas was waiting there. The Applicant and Tejas along with the victim went to Atpadi. From there the Applicant left Tejas and the victim. There is no further role ascribed to the Applicant. After that the victim was taken by Tejas to Atpadi bus-stop then to Miraj Railway Station then to Delhi Railway Station. From there they went to Haryana. They stayed together in Haryana for about a month. It is her case that during that period Tejas established forcible physical relations with her. In the meantime her

father gave complaint about her missing. The informant and Tejas came to know about the same. On 20.11.2023 they came back to Sangola.

5. Learned counsel for the Applicant submitted that the Applicant has not played any role except taking the informant to Tejas. From the FIR itself it is clear that Tejas and the informant were having consensual physical relations. He relied on the order passed by this Court on 12.2.2024 in A.B.A. No.406/2024 whereby Tejas was granted anticipatory bail. He submitted that Tejas is the main accused, who was granted protection of anticipatory bail. Therefore, on parity since the Applicant has not played any major role at all, he be granted bail.

6. Learned APP relied on the allegations in the FIR. He submitted that the charge-sheet is now filed on 12.2.2024. He produced a copy of the charge-sheet before me. I have perused the charge-sheet. There is a statement of the informant recorded under Section 164 of Cr.P.C. She has reiterated the allegations made by her in the FIR.

7. Considering all these aspects, it is quite clear that the informant was having consensual physical relations with the other accused Tejas. He is already granted anticipatory bail. Therefore, on parity, when the Applicant is not even the main accused, he deserves to be released on bail. Hence, the following order :

ORDER

- (i) In connection with C.R.No.1135/2023 registered at Sangola Police Station, District-Solapur, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall not harass the informant in any manner.
- (iii) Criminal Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2024.02.28
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