

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.800 OF 2024**

Ratnakar @ Namdev Siddheshwar Dalawe ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. Priyal G. Sarda, for the Applicant.

Ms. Supriya Kak, APP, for the Respondent-State.

Mr. D. S. Bhalerao, PSI, Barshi Taluka Police Station, District-Solapur.

CORAM : MADHAV J. JAMDAR, J.

DATED : FEBRUARY 27, 2024

P.C.:

1. Heard Mr. Sarda, learned Counsel appearing for the Applicant and Ms. Kak, learned APP appearing for the Respondent-State.

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.	79 of 2023
2	Date of registration of F.I.R.	06/03/2023
3	Name of Police Station	Barshi Taluka Police Station, District-Solapur
4	Section/s invoked	307, 326, 324, 452 & 506 r/w 34 of the <i>Indian Penal Code, 1860</i>
5	Date of incident	06/03/2023
6	Date of arrest	16/03/2023
7	Date of filing Charge-sheet	30/05/2023

3. Mr. Sarda, learned Counsel appearing for the Applicant submitted that investigation is completed and Charge-sheet is filed on 30th May 2023. He states that Accused No.1-Akshay Mane was in a relationship with the victim. As the victim has lodged a false F.I.R. on 6th March 2023 bearing No.177 of 2023 with Barshi City Police Station, Solapur (Rural) alleging offences punishable under Sections 376, 354, 341, 323, 504 and 506 r/w 34 of the *Indian Penal Code, 1860* as well as under Sections 4, 8, 12 and 17 of the *Protection of Children from Sexual Offences Act, 2012*, the incident in question took place in which the Applicant and co-Accused have assaulted the injured. He submitted that the Applicant is very young, aged 22 years and therefore the Applicant be released on bail.

4. On the other hand, Ms. Kak, learned APP submitted that on 6th March 2023, the F.I.R. was lodged by the victim against the present Applicant as well as the Accused No.1-Akshay Mane. She submitted that the F.I.R. clearly shows that the Applicant has taken active part in the sexual assault on the first informant. She submitted that both the Accused have assaulted the injured by using sattur and sickle. The injured was admitted in the hospital on 6th March 2023 and got discharge on 27th March 2023. She pointed out the injuries which the victim has suffered, which are on pages 79 and 80. The said injuries are as follows:-

"(1) Rt Hand : (a) amputation of Rt index finger at level of Proximal Phalanx.

(b) Fracture of head of 3rd metacarpal middle finger with Open Joint Metacarpophalangeal with "∩" shaped wound over the Proximal Phalanx bone deep.

(c) Wound at base of thumb ragged margins with transected flexor pollicis with cut intrinsic muscles, Rt digital Nerves and vessels of thumb with loss of segment of nerve, vessels.

(2) Contused lacerated wound over lateral aspect of face on Rt Zygomatic arch area 3x3 cm, ragged margins, sub cut deep.

(3) Clean wound over Rt Shoulder with sharp margins 2 cm long sub cut deep.

(4) Left forearm two clean cut wounds with sharp margins over upper third forearm over dorsal aspect 7-8 cm long with chip fracture radius with cut extensor muscles.

(5) Left arm post aspect subcut deep wound 3 cm size c̄ sharp margins."

5. Learned APP further submitted that apart from the F.I.R. bearing No.177 of 2023 lodged on 6th March 2023 by the present victim, there is one more F.I.R. bearing No.51 of 2021 punishable under Section 395 of the *Indian Penal Code, 1860* registered with Naldurg Police Station, District-Dharashiv (Osmanabad) lodged against the present Applicant. She submitted that thus there are two antecedents.

6. A perusal of the record shows that the Applicant has threatened and assaulted the victim due to lodging of the F.I.R. on 6th March 2023. The Applicant and co-Accused have assaulted her with sattur and sickle. The injuries are on very vital part of the body including her head and forehead. In fact, middle finger of right hand of the injured is cut.

7. Therefore this not a case for granting bail. There is a possibility that the Applicant when released on bail, will tamper with prosecution evidence and will threaten the witnesses.

8. Accordingly, the Bail Application is rejected.

9. However, the learned Trial Court is requested to conclude the trial expeditiously.

[MADHAV J. JAMDAR, J.]