



Diksha Rane

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

**CRIMINAL APPEAL NO.1257 OF 2023**

RAMESH DATTU SHINDE

..APPELLANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

None for the appellant.

Mr. S. H. Yadav, APP for the State.

Adv. Sushil A. Inamdar for the respondent no.2.

**CORAM : M. S. KARNIK, J.**

**DATE : FEBRUARY 21, 2024.**

**P.C. :**

**1.** None for the appellant. On previous occasion also no one present on behalf of the appellant. With the assistance of learned APP for the State and learned counsel appointed to represent the respondent no.2, I have gone through the First Information Report (FIR) and the materials on record.

**2.** The appellant was arrested on 15/4/2021 in respect of the C.R.No.42 of 2021 for the offence punishable under Sections 376, 420, 500, 504, 506, 323 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 3(1)(w)(i) (ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereafter 'the Atrocities

Act' for short) registered on 15/4/2021 with Talegaon, MIDC Police Station, Pune.

**3.** At the time of the registration of the FIR, the victim was 22 years of age. The victim was staying in Aakashvani Girl's Hostel. She became friends with the appellant on Facebook. The appellant and the victim started interacting with each other. They started seeing each other. It is alleged that the appellant was insisting the victim accompany him to a lodge. The victim resisted. Sometime in August 2018, the victim alleges that she was forcibly taken to one lodge by the appellant where he had forcible sexual intercourse with her against her wishes. Thereafter, the appellant threatened her that he would harm her relatives if she disclosed the incident to anyone. The appellant kept on committing the acts on her from time to time which constitutes the offence under the aforesaid sections. It is then alleged that the appellant had assaulted the victim on one occasion. The marriage of the victim was fixed by her family. Just prior to marriage, the appellant informed her fiance that if he marries the victim, then the appellant would commit suicide for which he will blame the fiance.

The victim's marriage, therefore, was cancelled.

**4.** Learned APP for the State as well as learned counsel for the respondent no.2 opposed the application for bail. It is submitted that the conduct of the appellant dis-entitles him from any discretionary relief. It is further submitted that if the appellant enlarged on bail, he may try to contact the victim and threaten her.

**5.** *Prima facie*, the relationship between the appellant and the victim appears to be consensual in nature. The appellant was arrested on 15/4/2021 and now is in custody for more than two years and ten months. Though the charge is framed, the trial is not likely to conclude any time soon. In my opinion, any further incarceration will only be by way of a pre-trial punishment. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the appellant. The appellant does not appear to be a flight risk. The appellant can be enlarged on bail by imposing stringent conditions. Hence, the following order :-

**ORDER**

(a) The application is allowed.

(b) The appellant- Ramesh Dattu Shinde in connection with C.R. No.42/2021 registered with Talegaon MIDC Police Station, Pune shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(c) The appellant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety.

(d) The appellant shall attend the Investigating Officer of Talegaon MIDC police station, Pune, once in three months on the 1<sup>st</sup> Monday between 11.00 a.m. and 1.00 p.m. till further orders of the trial Court, commencing from April, 2024.

(e) 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.

(f) On being released on bail, the appellant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the appellant shall not enter Pune District after being released on bail, till the trial concludes.

(h) The appellant shall attend the trial regularly.

(i) The appellant shall surrender his passport to the investigating officer.

(j) It is made clear that any attempt on the part of the appellant to contact the victim may entail the consequence of cancellation of bail.

**6.** Learned APP through investigating officer is requested

to inform the Superintendent, Yerwada Central Prison, Pune, where the appellant is lodged about this order.

**7.** Registry of this Court is also directed to communicate this order to the Superintendent, Yerwada Central Prison, Pune, for enabling the appellant to avail of the bail.

**8.** The application is disposed of.

**9.** I appreciate the valuable assistance rendered by Advocate Sushil A. Inamdar, who appeared on behalf of respondent No.2 in this proceeding. His engagement may be regularized by the Maharashtra State Legal Services Authority.

**(M. S. KARNIK, J.)**