

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1285 OF 2024

Somnath Pandu @ Pandit @ Pandharinath
Deshmukh ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Bhushan Bhutada i/b. Mr. Amit Pradhan, Advocates, for the Applicant.
Mr. P. P. Deokar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 1st APRIL 2024

PC:-

1. Heard Mr. Bhutada, learned Counsel for the Applicant and Mr. Deokar, learned APP 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.	253 of 2023
2.	Date of registration of F.I.R.	28/09/2023
3.	Name of Police Station	Trimbakeshwar, District-Nashik (Rural)
4.	Section/s invoked	376, 504 and 506 of the

		Indian Penal Code, 1860
5.	Date of incident	25/09/2023
6.	Date of arrest	03/10/2023
7.	Date of filing of Charge-sheet	30/10/2023

3. As per the prosecution case, on 25th September 2023 at 1.00 p.m. when the victim was working in an agricultural field, the Applicant came there and sexually assaulted the victim. At that time, the said incident was observed by the Accused No.2.

4. Mr. Bhutada, learned Counsel for the Applicant submitted that in fact, the case is false and the victim and the Applicant were in a relationship outside of marriage. He submitted that as on the date of incident, the Accused No.2 noticed the incident therefore F.I.R. was lodged. To substantiate the said contention, he relied on the medical report which shows that there is no external injury noted. He submitted that the Applicant is a young man aged 24 years and the Applicant does not have any criminal antecedents.

5. On the other hand, Mr. Deokar, learned APP for the Respondent-State strongly opposed the Bail Application. He submitted that material on record shows that the Applicant is

involved in a serious crime and therefore, the Bail Application be rejected. On taking instructions, Mr. Deokar, learned APP submitted that there are no criminal antecedents against the Applicant.

6. Perusal of the record shows that in the present case, the incident in question occurred on 25th September 2023, F.I.R. was lodged on 28th September 2023, the Applicant was arrested on 3rd October 2023 and Charge-sheet was filed on 30th October 2023. There is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are 22 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. There are no criminal antecedents against the present Applicant.

8. Mr. Bhutada, learned Counsel for the Applicant states that as several witnesses are residing in Taluka-Trimbakeshwar, District-Nashik, the Applicant will therefore not reside within Taluka-

Trimbakeshwar, District-Nashik and that the Applicant will reside at C/o. Somnath Pandit Deshmukh, Vishnu Devram Fasale, Gangamhalungi, Nashik-422203.

9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
11. In view thereof, the following order:-

ORDER

- (a) The Applicant – Somnath Pandu alias Pandit alias Pandarinath Deshmukh be released on bail in connection with C.R. No.253 of 2023 registered with the Trimbakeshwar Police Station, Taluka - Trimbakeshwar, District - Nashik on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) The Applicant shall not enter the Trimbakeshwar

Taluka, District-Nashik after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.

- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Harsul Police Station, District - Nashik once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Harsul Police Station, District - Nashik to communicate details thereof to the Investigating Officer.
- (e) The Applicant 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 such a person from disclosing the facts to the Court or to any Police personnel.

- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]