

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

BAIL APPLICATION NO.2172 OF 2023

Chandrakant Marotirao Suryavanshi

.Applicant

Versus

The State of Maharashtra & anr.

.Respondents

Mr. Satyam Nimbalkar, Advocate for the Applicant.

Ms. Savita Yadav, APP, for Respondent No.1 – State.

Ms Bhairavi Waravdekar, Advocate, for Respondent No. 2.

CORAM: MADHAV J. JAMDAR, J.

DATE : 07.03.2024

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1. Heard Mr. Nimbalkar, learned Counsel appearing for the Applicant, Ms. Yadav, learned APP appearing for Respondent No.1- State and Ms. Waravdekar, learned Counsel appearing for Respondent No.2.

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.	169 of 2023
2.	Date of registration of F.I.R.	20.03.2023
3.	Name of Police Station	Akluj Police Station, District – Solapur
4.	Sections invoked	376 & 506 of the Indian Penal Code, 1860
5.	Date of incident	17.03.2023

6.	Date of arrest	21.03.2023
7.	Date of filing of Charge-sheet	29.05.2023

3. As per the prosecution case, the informant is enrolled as a student. She resides in a rented room along with other girls and through social media, she came in contact with the Applicant. Both were acquainted with each other through social media. Both of them met for the first time on 17.03.2023 and as per the prosecution case, the Applicant sexually assaulted the informant.

4. Mr. Nimbalkar, learned Counsel for the Applicant submitted that in fact, the relationship was consensual and he relied on the 'Snapchat' record and submitted that the Applicant and the deceased were involved in a romantic relationship. He submitted that the Applicant and the victim met each other for the first time on the date of the incident.

5. On the other hand, Ms. Yadav, learned APP appearing for Respondent No.1 – State and Ms. Waravdekar, learned Counsel for Respondent No.2 submitted that although the Applicant and the victim were contacting each other on 'Snapchat' and that they were acquainted with each other and there are some chats to show that they were in a romantic relationship, however they met each other for the first time on 17.03.2023 and although the victim opposed, the

Applicant sexually assaulted her.

6. A perusal of the record shows that the incident in question has taken place on 17.03.2023, F.I.R. was lodged on 20.03.2023 and the Applicant was apprehended on 21.03.2023. Charge-sheet has been filed on 29.05.2023.

7. The trial is likely to take a considerably long time.

8. Mr. Nimbalkar, learned Counsel appearing for the Applicant states that the Applicant is from Nanded and will reside at Dagdapur, Post – Chinchala, Taluka – Biloli, District – Nanded and as several witnesses are from District – Solapur, he will not enter District – Solapur.

9. The Applicant does not appear to be at risk of flight.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant - Chandrakant Marotirao Suryavanshi be released on bail in connection with C. R. No.169 of 2023 registered with the Akluj Police Station, District – Solapur 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 Solapur district 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 Biloli Police Station, Taluka - Biloli, District – Nanded once a month, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Biloli Police Station, Taluka - Chinchala, District – Nanded 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.

11. The Bail Application is disposed of accordingly.

12. 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.]