

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

**BAIL APPLICATION NO. 2514 OF 2023**

Shivaji Sudam Dighe

.Applicant

*Versus*

The State of Maharashtra

.Respondent

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Mr. Nagesh S. Khedkar a/w Mr. Ajinkya R. Mahadik for the Applicant.  
Mr. Sameer M. Mangaonkar, APP, for the Respondent-State.  
Ms. Suvarna Yadav, for Respondent No. 2/Complainant.

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**CORAM: MADHAV J. JAMDAR, J.  
DATE: 04.04.2024**

**P. C.**

1. Heard Mr. Khedkar, learned Counsel for the Applicant, Mr. Mangaonkar, learned APP for the Respondent-State and Ms. Yadav, learned Counsel appointed to represent interests of Respondent No.2/Complainant.

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.                      | 704 of 2021                        |
| 2. | Date of registration of F.I.R. | 16.09.2021                         |
| 3. | Name of Police Station         | Shirur, Pune                       |
| 4. | Sections invoked               | 376, 452 & 506 of the I.P.C., 1860 |
| 5. | Date of incident               | 15.09.2021                         |
| 6. | Date of arrest                 | 16.09.2021                         |
| 7. | Date of filing of Charge-sheet | 15.11.2021                         |

3. As per the prosecution case, the Applicant was having a hotel

near the rental accommodation where the victim was residing. The victim along with her two minor children were residing on a rental basis in the said room. As per the prosecution case, the Applicant was insisting the victim to vacate the said room, as the said room was required for his hotel business. The Applicant threatened the victim to vacate the said room in September 2021. As per the prosecution case, on 15.09.2021 at 1.00 p.m., he entered the said premises and sexually assaulted the victim.

4. Mr. Khedkar, learned Counsel for the Applicant submitted that during the medical examination, the victim has not mentioned the name of the Applicant. He submitted that the victim has stated during the medical examination that an unknown person has committed the offence in question. She submitted that the medical examination shows that there are no fresh physical injuries. He submitted that the victim has falsely implicated the Applicant, as the Applicant was asking her to vacate the said premises. He submitted that there are no antecedents. He submitted that the Applicant is the father of two minor daughters and there is no other male member in his family to care for them except for the present Applicant. He submitted that the Applicant is incarcerated since almost two and half years and still, there is no progress in the trial except framing of charge on 10.03.2023.

5. Mr. Mangaonkar, learned APP for the Respondent-State and Ms. Yadav, learned Counsel for Respondent No.2/Complainant

vehemently opposed the Bail Application. They submitted that the Applicant entered the house of the victim and threatened her with a knife and committed sexual intercourse.

6. A perusal of the record shows that the incident in question has taken place on 15.09.2021. F.I.R. was lodged on 16.09.2021. The Applicant was apprehended on 16.09.2021. Although Charge was framed on 10.03.2023, there is no further progress in the trial. As per the Charge-sheet, there are in all 14 witnesses to be examined by the prosecution.

7. *Prima facie*, there is substance in the contention advanced by learned Counsel for the Applicant that although the victim was known to the Applicant, during medical examination, she has stated that unknown person has committed the offence in question. There are no antecedents. The Applicant is having two minor daughters.

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

9. The Applicant does not have any criminal antecedents.

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

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

12. In view thereof, the following order:-

### **ORDER**

(a) The Applicant - Shivaji Sudam Dighe be released on bail in connection with C. R. No.704 of 2021 registered with the Shirur Police Station, Pune on his furnishing P. R.

Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) 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.

(c) The Applicant shall report to the Shirur Police Station, Pune once a week on the Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) 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.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. 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.

15. Professional fees as per rules be paid to Ms. Suvarna Yadav, learned Counsel for Respondent No. 2/Complainant appointed to represent the interests of Respondent No.2 by the High Court Legal Services Committee, Mumbai.

**[MADHAV J. JAMDAR, J.]**