



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

CRIMINAL BAIL APPLICATION NO. 3894 OF 2023

Rangilal Shuklal Bansal

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Shreyas P. Barsawade, Advocate, for the Applicant.

Ms. Veera Shinde, APP for the Respondent No.1-State.

Mr. Rushikesh G. Patil, Advocate for the Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED : 28th MARCH 2024

PC:-

1. Heard Mr. Barsawade, learned Counsel for the Applicant, Ms. Shinde, learned APP for the Respondent No.1-State and Mr. Patil, learned Counsel for the Respondent No.2.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973* ("CrPC"). The relevant details are as follows:-

1.	C. R. No.	1195 of 2022
2.	Date of registration of F.I.R.	09/12/2022
3.	Name of Police Station	Hinjewadi, Pune
4.	Section/s invoked	363, 376(2)(n), 376D, 328, 324 r/w. 34 of the I.P.C., 1860; 4, 5(l), 6, and 8 of the POCSO

		Act, 2012.
5.	Date of incident	08/12/2022
6.	Date of arrest	06/02/2023
7.	Date of filing of Charge-sheet	03/03/2023

3. There are total 5 Accused persons. Accused No.1 is Raju Rangilal Bansal, Accused Nos.4 and 5 are parents of Accused No.1. Accused No.4 is the present Applicant and father of Accused No.1. As per the prosecution case, the family of Accused No.1 and the family of the deceased were residing in a labour camp in Pune. Although the F.I.R. lodged by the brother of the victim and statement of the mother of the victim states that the age of the victim is 14 years, as per the victim's statement as well as the documentary evidence, the date of birth of the victim is 3rd July 2005. Therefore when the incident occurred, the victim was aged about 17 years and 5 months. As per the prosecution case, the victim eloped with Accused No.1-Raju and she was taken to various places in Mumbai and in Madhya Pradesh. As per the statement of the victim recorded under Sections 161 and 164 of the CrPC, the Accused No.1-Raju sexually assaulted the victim while in Pune as well as in Mumbai and Madhya Pradesh. As per the prosecution case, the role attributed to the present Applicant is

that he has forced the victim to have sexual relations with his son-Raju i.e. Accused No.1, that he has shown the victim some obscene videos and has also tied and restrained the victim.

4. Mr. Barsawade, learned Counsel for the Applicant submitted that various witnesses have made contrary statements regarding the age of the victim. He submitted that the documentary evidence clearly shows that the victim was aged 17 years and 5 months at the time of the offence in question. He pointed out the statement of the victim dated 10th January 2023 wherein no allegation has been made against the present Applicant. He also pointed out the history provided to the Doctors regarding the incident in question as recorded in the medical papers, and submitted that no allegation is made against the present Applicant in the said history either. He submitted that the Applicant is not involved in the offence in question.

5. On the other hand, Ms. Shinde, learned APP for the Respondent No.1-State and Mr. Patil, learned Counsel for the Respondent No.2 strongly opposed the Bail Application. Both of them pointed out the supplementary statement of the victim dated

4th February 2023 and submitted that specific role has been attributed to the present Applicant. Both of them submitted that the Applicant forced the victim to enter into sexual relations with his son i.e. Accused No.1-Raju. On the basis of the statement recorded under Section 164 of the CrPC they submitted that as far as the present Applicant is concerned, a significant role is attributed to the Applicant in the offence in question and that he also forced the victim to watch obscene videos. The present Applicant used to tie the victim and would physically assault her by showing her obscene videos and he forced the victim to have sexual relations with his son-Raju i.e. Accused No.1. Both of them pointed out the Order dated 18th April 2023 passed by the learned Additional Sessions Judge, Pune in Criminal Bail Application No.1165 of 2023 by which the mother of the Accused No.1 i.e. Meena Bansal has been granted bail. Both of them pointed out the paragraph No.12 of the said order which records the role of the present Applicant. They also pointed out paragraph No.12 of the order dated 18th April 2023 passed by the learned Additional Sessions Judge, Pune in Criminal Bail Application No.1168 of 2023. Both of them submitted that as the Applicant is permanent resident of Madhya Pradesh, if released on bail the Applicant will

not be available for the trial. Therefore, both of them submitted that the Bail Application be rejected.

6. Perusal of the record shows that the incident in question occurred on 8th December 2022, F.I.R. was lodged on 9th December 2022, the Applicant was arrested on 6th February 2023 and, Charge-sheet was filed on 3rd March 2023. There is no further progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are 30 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. Ms. Shinde, learned APP for the Respondent No.1-State and Mr. Patil, learned Counsel for the Respondent No.2 submitted that a major role has been attributed to the Applicant which is that he used to tie the victim and used to physically assault her while showing obscene videos to her and that he forced her to have sexual relations with his son-Raju i.e. the Accused No.1. *Prima facie*, there is substance in the contention of Mr. Barsawade, learned Counsel for the Applicant that no role is attributed to the present Applicant in the statement of the victim dated 10th January

2023 as well as the history given to the Doctors by the victim as recorded in the medical papers. In any case, the investigation is complete and Charge-sheet is filed.

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

9. Mr. Barsawade, learned Counsel for the Applicant states that as several witnesses are residing in Pune District, the Applicant will therefore not reside within the Pune District and that the Applicant will reside at C/o. Shri Vinod *alias* Pinku Bansal, House No.352/2, Khopoli Main Market, adjacent to Bank of Maharashtra, Khopoli, Taluka-Khopoli, District-Raigad, Maharashtra 410203.

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 – Rangilal Shuklal Bansal be released on bail in connection with C.R. No.1195 of 2022 registered with the Hinjewadi Police Station, District - Pune 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 Pune 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 Khopoli Police Station, District – Raigad 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 Khopoli Police Station, District- Raigad 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.

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.

[MADHAV J. JAMDAR, J.]