



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

**CRIMINAL BAIL APPLICATION NO. 3990 OF 2023**

Shankar Lodaram Choudhary ...Applicant

*Versus*

The State of Maharashtra ...Respondent

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Mr. Tejas Hilage (through Video Conference), Advocate for Applicant.

Ms. Veera Shinde, APP for Respondent-State.

Mr. Dheeraj Patil, Advocate for Respondent No.2.

Mr. S. A. Savale, P.S.I., Hadapsar Police Station-Pune, present.

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

**DATED : 22<sup>nd</sup> JANUARY 2024**

**P. C.**

1. Heard Mr. Hilage, learned Counsel appearing for the Applicant and Ms. Shinde, learned APP appearing 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.                      | 821 of 2023                                                                                                   |
| 2. | Date of Registration of F.I.R. | 01/06/2023                                                                                                    |
| 3. | Name of Police Station         | Hadapsar Police Station, Pune                                                                                 |
| 4. | Section/s invoked              | 376, 376(2), 376(f), 376(i), 376(n), 354, 354A, 506 of the I.P.C., 1860 4, 5, 6, 8, and 12 of POCSO Act, 2012 |

|    |                             |            |
|----|-----------------------------|------------|
| 5. | Date of Incident            | 29/05/2023 |
| 6. | Date of Arrest              | 03/06/2023 |
| 7. | Date of filing Charge-sheet | 27/07/2023 |

3. As per the prosecution case, the Applicant is the step-father of the victim. When the F.I.R. was lodged, the victim was 12 years old and was in the 7<sup>th</sup> Standard. The Applicant had been sexually assaulting the victim ever since the victim was aged around 10 years and was in the 5<sup>th</sup> Standard.

4. Mr. Hilage, learned Counsel appearing for the Applicant submitted that the Applicant was maliciously and falsely implicated in the offence in question due to an altercation between the Applicant and his wife. The Charge-sheet does not show that any offence as alleged, is committed by the Applicant. He also submitted that the victim and the Applicant's wife have tendered in writing dated 15<sup>th</sup> September 2023 to the Trial Court stating that the F.I.R. in question was lodged due to some misunderstanding. He states that the Applicant is not involved in any other crime.

5. Ms. Shinde, learned APP strongly opposed the bail Application. She submitted that the material collected by the prosecution shows the involvement of the Applicant. She submitted that the medical

evidence supports the prosecution case.

6. Mr. Dheeraj Patil, learned Counsel appearing for the Respondent No.2 submitted that he has instructions to reiterate the request made in Application dated 15<sup>th</sup> September 2023 submitted before the learned Trial Court. He states that the F.I.R. was lodged due to some misunderstanding.

7. In this case, although the alleged sexual assault started when the victim was in the 5<sup>th</sup> Standard, the F.I.R. was lodged for the first time on 1<sup>st</sup> June 2023 when the victim had completed her 7<sup>th</sup> Standard, due to an altercation between the Applicant and his wife. Said F.I.R. was lodged after the wife of the Applicant along with the victim, went to stay at her sister's place.

8. The Applicant has been arrested on 3<sup>rd</sup> June 2023 and the Charge-sheet has been filed on 27<sup>th</sup> July 2023.

9. As per the F.I.R., the victim is residing in Hadapsar and as per the statement dated 6<sup>th</sup> June 2023 of the grandmother of the victim, she is residing at Pratik Nagar, Near M.S.E.B. Office, Vishrantwadi, Pune 411006. Mr. Hilage, learned Counsel appearing for the Applicant states that the Applicant will reside at his brother's residence at Rajlaxmi Apartment, At Post-Vidyadham Colony, College

Road, Chakan, Taluka-Khed, District-Pune 410501.

10. It is an admitted position that the investigation has been completed and that the Charge-sheet has been filed on 27<sup>th</sup> July 2023. There are 12 witnesses as per the Charge-sheet. The trial is likely to take a considerably long time.

11. The Applicant does not appear to be at risk of flight. The Applicant is not involved in any other crime.

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

**ORDER**

(a) The Applicant-Shankar Lodaram Choudhary be released on bail in connection with C. R. No.821 of 2023 registered with the Hadapsar Police Station, District-Pune on his furnishing P R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall not enter the jurisdiction of Hadapsar Police Station, District-Pune as well as Vishrantwadi Police Station, District-Pune 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 Chakan Police Station, District-Pune 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 Chakan Police Station, District-Pune 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 evidence and shall not contact or influence the Complainant or any witnesses 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.

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