

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

CRIMINAL BAIL APPLICATION NO. 1107 OF 2024

Rupesh Sharanya Bhosale

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. S. T. Bhosale i/b Mr. Swapnil D. Pednekar, Advocate for Applicant.

Mr. P. P. Deokar, APP for State-Respondent.

None for Respondent No. 2.

CORAM:- ANIL S. KILOR, J.

DATED:- 14th NOVEMBER, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 502 of 2023 registered with Phaltan Police Station, Satara, for the offences punishable under Sections 376 (A)(B), 376(2)(f), 506 of the Indian Penal Code, 1860 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

3) As per the victim's version as narrated by she to her mother, on the date of the incident, the victim, her aunt, and her aunt's husband

were sleeping in a room at night. It is alleged that the aunt's husband aunt came at about 11.50 pm near victim and removed her clothes and committed penetrative sexual assault.

4) The medical report prima facie does not support the allegation of penetrative sexual assault and further story is also prima facie improbable for the reason that according to the victim her aunt was sleeping beside the applicant at the time of alleged incident.

5) The victim was 11 years old on the date of the incident and no external injuries or any other marks were found in the medical report to prima facie support the case of the prosecution.

6) In the above referred backdrop, considering the fact that the applicant is in jail from more than one and half years and further as the charge-sheet has been filed, I am of the opinion that the applicant is entitled for grant bail.

7) The learned APP however opposed the application on the ground that if the bail is granted to the applicant, he may pressurise the victim and the prosecution witnesses, as the victim is a resident of the same village.

8) Thereupon, the learned Counsel for the applicant, on instructions, makes a statement that he will not enter into Tal. Phaltan, Dist. Satara till the conclusion of trial except for attending trial.

9) In that view of the matter, I pass the following order.

ORDER

(i) The Bail Application is allowed;

(ii) It is directed that the Applicant shall be released on bail in Crime No. 502 of 2023 registered with Phaltan Police Station, Satara, for the offences punishable under Sections 376 (A)(B),

376(2)(f), 506 of the Indian Penal Code, 1860 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall not enter into the territorial jurisdiction of Tal. Phaltan, Dist. Satara till the conclusion of the trial except on the date of trial;

iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st and 16th day of every month between 10.00 am to 11.00 am, till the conclusion of the trial except on the date of trial;

v. The Applicant shall not directly or indirectly make contact to the victim or witnesses or any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi. Liberty is granted to the State to apply cancellation of bail if the applicant breaches any condition of bail;

vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]