

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

CRIMINAL BAIL APPLICATION NO. 1109 OF 2024

Jaysingh Balasaheb Katke

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. Sangram Divekar, Advocate for Applicant.

Mrs. Geeta P. Mulekar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 7th AUGUST, 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. 523 of 2022 registered with Saswad Police Station, Dist. Pune, for the offences punishable under Sections 370(A)(2), 498-A, 354, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 4, 5 and 6 of Immoral Traffic Prevention Act, 1956.

3) The applicant is in jail from last one and half years and the complaint was filed by the wife of the applicant. There is a delay in lodging the complaint, though such delay is immaterial in such matters,

however, considering the nature of allegations made against the applicant, a question arises why the complaint to the effect that the applicant forced her into commercial sexual exploitation, was not immediately made after the first incidence, which took place in the year 2018, particularly when she was against such exploitation. Thus, prima facie it creates doubt whether it was with consent or not. However, the same could be the matter of trial. At this stage, since the charge-sheet has been filed after completion of the investigation, I am of the opinion that the custody of the applicant is not necessary.

4) As far as the apprehension expressed by the learned APP while opposing the present application that if the applicant is released on bail, he may pressurize the prosecution witnesses, the same can be addressed by putting stringent conditions. Hence, 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. 523 of 2022 registered with Saswad Police Station, Dist. Pune, for the offences punishable under Sections 370(A)(2), 498-A, 354, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 4, 5 and 6 of Immoral Traffic Prevention Act, 1956, 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 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

12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date of trial;

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

v. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

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

vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]