

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1724 OF 2024

Santosh Dattaray Pawar ... Applicant

V/s.

The State of Maharashtra and Anr. ... Respondents

 Mr. Yash Naik I.by Vaibhav Gaikwad, for the applicant.

Mr. S.M. Mangaonkar, APP, for the Respondent / State.

Mr. Vinit Jain a/w Gaurav Mhatre, for the respondent no. 2.

CORAM : ANIL S. KILOR, J.

DATE : 5TH DECEMBER, 2024.

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PC:

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.317 of 2022, registered with Kothrud Police Station, Pune, for the offences punishable under Sections 376, 376(2)(n), 377, 354(A), 384, 420, 406, 323, 504 and 506 of the Indian Penal Code, 1860 (for short, IPC).

3. There are allegation of rape among along with the allegation of cheating on the ground that the applicant promised the victim to help her to get employment in Public Works Department and under the said pretext he extracted amount from the applicant.

4. The allegation in relation to offence under Section 376, 376(2)(n) and 377 are concerned, the charge-sheet shows that prima facie there was consensual relations between the applicant and the victim.

5. As far as the other offences are concerned, the maximum punishment is 7 years and the applicant is in jail from about 2 years which is a substantive period. It is further pointed out that there are four antecedents against the applicant including the present one. However, the learned counsel for the applicant points out that in two offences, he has been acquitted, in one offence for the lack of evidence and in other on the ground of consensual relations.

6. Thus, considering the fact that there was prima facie consensual relations and as the applicant has undergone substantive period of incarceration, though the learned counsel for the respondent no. 2 and the learned APP have strongly opposed the application, I am of the opinion that the applicant is entitled for grant of bail.

7. Accordingly, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant be released on bail in Crime No.317 of 2022, registered with Kothrud Police Station, Pune, for the offences punishable under Sections 376, 376(2)(n), 377, 354(A), 384, 420, 406, 323, 504 and 506 of the Indian Penal Code, 1860 (for short,

IPC), on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;

iii) The applicant shall attend the said Police Station on 1st and 16 day of every month between 10.00a.m. to 11.00 a.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 for cancellation of bail in case the applicant breaches any condition or commits similar offence;

vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The application is disposed of.

(ANIL S. KILOR, J)