

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

CRIMINAL BAIL APPLICATION NO. 1732 OF 2024

Akash Balasaheb Rajput ...Applicant
Versus
State Of Maharashtra And Anr. ...Respondents

WITH

INTERIM APPLICATION NO. 2074 OF 2024

XYZ ...Applicant
Versus
The State of Maharashtra And Anr. ...Respondents

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Mr. Subodh Desai a/w Mr. Pradeep Chavan, Mr. Sai Rajendra Kadam,
Mr. Azharuddin Khan, Ms. Prachi Deokar i/by Mr. Ajit Kenjale,
Advocate for the Applicant in BA/1732/2024.

Mr. Rahul Vijaymane, Advocate for Applicant in IA/2074/2024.

Mrs. Veera Shinde, APP for the Respondent – State.

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CORAM : ANIL S. KILOR, J.

DATE : 19th JUNE, 2024.

P.C.:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.22 of 2024, registered with Sadar Bazar Police Station, District: Solapur (Urban) for the offences punishable under Sections 354, 376 and 506 of Indian Penal Code (for short 'IPC').

3. Learned Counsel for the Applicant submits that the Applicant has arrested on 10th January, 2024 and since then he is in jail and in the meantime, the charge-sheet has been filed. It is submitted that as the investigation is completed, the further custody of the Applicant is no more required. It is argued that from the allegation *prima facie* it is evident that there was a consensual physical relations between the Applicant and the victim. Accordingly, he prays for grant of bail.

4. On the other hand, learned APP strongly opposed the application and submits that under the threat the victim permitted the Applicant to establish physical relations. It is submitted that if the Applicant is released on bail, he may pressurize the prosecution witnesses and tamper with the evidence.

5. The learned Counsel for the Respondent No.2 reiterates the submission of learned APP and submits that the Applicant had taken the advantage of the fact that the victim is suffering from some mental disease and has established the physical relations with the victim against her consent. Accordingly, he prays for rejection of bail.

6. I have perused the charge-sheet and from the same it appears that there was consensual physical relations between the

Applicant and the victim. The documents particularly register of the lodge where the Applicant had taken the victim and committed alleged sexual intercourse, shows that the victim submitted her Aadhar Card to book a room. Further there are two signatures on the register. However, the learned Counsel for the victim is disputing the signature of the victim.

7. Be that it may the allegations shows that there was consensual relations and since the investigation is completed, I am of the opinion that further custody of the Applicant is not required in the present matter.

8. As far as the apprehension expressed by the learned APP that the Applicant may tamper with the prosecution evidence and pressurize the witness, the same can be addressed by imposing certain stringent conditions. Accordingly, I pass the following order;

ORDER

- i. Criminal Bail Application No. 1732 of 2024 is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.22 of 2024, registered with Sadar Bazar Police Station, District: Solapur (Urban) for the offences punishable under Sections 354, 376 and 506 of Indian Penal Code (for short IPC, on furnishing PR. Bond of Rupees Twenty Five

Thousand with one solvent surety in the like amount;

iii. The Applicant shall not enter within the territorial jurisdiction of Sadar Bazar Police Station, District: Solapur (Urban) till conclusion of trial;

iv. The Applicant shall provide his address and the name of the near by Police Station to the Investigating Officer, which shall attend on 1st and 16th day of each month between 12:00 noon to 2:00 p.m. till conclusion of trial except for attending trial;

v. 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;

vi. Liberty is granted to the State as well as to Respondent No.2 for cancellation of bail if the Applicant commits similar offence;

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 off, accordingly.

ix. In view of above, Interim Application stands disposed off.

(ANIL S. KILOR, J.)