



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

931 BAIL APPLICATION NO.805 OF 2025

RAHUL PADMAKAR DARANDALE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr.Joydeep Chatterji

APP for Respondent-State : Mrs.R.R.Tandale

Advocate for Respondent no.2 : Mrs.S.G.Sonawane

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 08.07.2025

P.C. :

1] Heard learned counsel for the applicant, the learned APP for the respondent-State, so also, the learned counsel for the respondent no.2.

2] The applicant is seeking bail as he is arrested on 30.11.2024 in connection with Crime No.1270/2024, registered with Tophkhana Police Station, Ahmednagar, for the offence punishable under Section 64(2)(M), 78(2), 308(3), 351(2)(3), 352 of the Bharatiya Nyaya Sanhita, 2023 [under Sections 376 (2)(n), 354(D), 384, 504, 506 of the IPC].

3] It is alleged in the FIR that the applicant is 37 years old and the informant is 30 years old. The applicant is divorcee. It is further alleged in the FIR that the applicant had forceful committed sexual intercourse with the victim from 01.01.2021 to 24.12.2023 on three different dates at different places. Thereafter, on 22.11.2024 at 00.30 midnight time, the applicant came in front of informant's house and he has abused her by creating ruckus. As such, the FIR is lodged against the present applicant on 30.11.2024. Thereafter, the applicant was arrested on 30.11.2024. Investigation in the matter is complete and charge sheet is filed. The applicant had filed Bail Application before the Sessions Court and the same was rejected. As such, the present application is filed.

4] The learned counsel for the applicant submits that in the FIR the informant has alleged that from 01.01.2021 to 24.12.2023, the accused had forceful intercourse with her on different dates and at various places and that he had threatened to make photos viral if she disclosed the same to her family members. He further submits that the informant in the FIR has further alleged that after a period of one year of the last sexual assault i.e. on 22.11.2024 at 00.30 at midnight time, the applicant came in front of informant's house and he has abused her by creating ruckus. He further submits that prima facie the relations between the victim and the applicant are

consensual one which has later turned sour. He further submits that the applicant never abused the informant on 22.11.2024 in front of her house as alleged in the FIR. He further submits that while the applicant was in custody, the victim and her relatives have filed five NCs against the family member of the applicant. The applicant is in custody from 30.11.2024. Considering the above case of the applicant, the learned counsel for the applicant prays to release the applicant on regular bail.

5] The learned counsel for the respondent no.2 [informant] submits that under the threat of making viral photos of the victim, the applicant had forceful intercourse with the victim and the family members of the applicant have also given threats to the victim and her family members after the arrest of the accused. The learned counsel further submits that the informant has also lodged complaint against Amol Kavhane and Shivam Kale i.e. the relatives of the applicant. The learned counsel further submits that if the applicant is released on bail, there is possibility of tampering with prosecution evidence and witnesses. She therefore prays to reject the application of the present applicant. She further submits that in the event bail is granted to the applicant, stringent condition like keeping the applicant away from the place of the informant should be imposed upon him.

6] The learned APP submits that the applicant has taken Rs.20,000/- from the informant and the applicant had maintained physical relations with the applicant under threat, so also, the applicant has given threats to the informant to make viral the photographs of the informant. The mobile of the applicant is seized by the police which supports the case of the prosecution. Considering all above facts, the learned APP prays to reject the bail application of the applicant.

7] Having considered the rival submissions of the parties and on perusal of record, it prima facie appears that the long standing relations between the applicant and the informant were consensual one. The investigation is complete, so also, the charge sheet is filed in the matter. The applicant is in custody from 30.11.2024. The mobile of the applicant is also seized and forensic report is to be received. Till date nothing incriminating is found against the applicant in the recovered mobile. The informant has also lodged complaint against Amol Kavhane and Shivam Kale i.e. the relatives of the applicant and the police will investigate the same independently. Considering the above aspect of the matter, no purpose would be served by keeping the applicant behind the bars and the applicant can be released on regular bail by putting certain stringent conditions. In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.1270/2024, registered with Tophkhana Police Station, Ahmednagar, for the offence punishable under Section 64(2)(M), 78(2), 308(3), 351(2)(3), 352 of the Bharatiya Nyaya Sanhita, 2023 [under Sections 376 (2)(n), 354(D), 384, 504, 506 of the IPC], on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant shall not enter the jurisdiction of Tophkhana Police Station, during pendency of the trial, except on the date of trial, if the Court is situated within the jurisdiction of Tophkhana Police Station.

c] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC