

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
BAIL APPLICATION NO.2812 OF 2023

Sagar Ramchandra Jadhav

.... Applicant

Versus

State of Maharashtra & Anr.

.... Respondents

Mr. Sachin R. Pawar, for the Applicant.

Mr. Prasanna P. Malshe, APP, for the Respondent – State.

Ms. Sanjot Shirsal, for Respondent No.2.

Ms. Kishori H. Sable, PSI, Shahapur Police Station, Kolhapur – Present.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 21st JANUARY, 2025.

P.C. :

1. By this application, the Applicant is seeking regular bail in Crime No. 121 of 2023 registered with Shahapur Police Station, Ichalkaranji for the offences punishable under Sections 354-A, 506 and 376 of the Indian Penal Code, 1860 (for short “IPC”) and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short “POCSO”).

2. It is prosecution case that on 15th April, 2023 when the first informant was doing household work, victim went to washroom. After sometime, the first informant followed the victim and she saw that the Applicant was making hand gestures to the victim. Thereafter, the first informant enquired with the victim by taking her in confidence, then victim replied that since last two to three months whenever the wife of the Applicant was not in house, he used to ask her to come in his house and committed act of indecent molestation. It is further alleged that, when the victim resisted his act, he threatened the victim that if she discloses his act to her family, he would kill her and family members. In the statement under Section 164 of Cr.P.C., the victim has stated that the Applicant has sexually assaulted her by giving threat.

3. It is contention of learned counsel for the Applicant that the Applicant is behind bar for more than 20 months. At the time of incident, the victim was more than 16 years old. Initially there was no allegations against the Applicant about sexual assault. Learned counsel further submitted that there is contradictions in the statement of the victim given before her mother and given before the doctor and under section 164 of Cr.P.C. Though, the Applicant is

behind bar more than 20 months, yet charge has not been framed. It may take time to conclude the trial. The Applicant is Karta of His family. Hence, requested to allow the application.

4. It is contention of learned APP along with learned counsel for Respondent No.2 that the Applicant has sexually assaulted the victim, who was around 16 years and 8 months old, by threatening her.

5. Learned APP further submitted that Applicant is married and he was aware about the age of the victim, in spite of that he called the victim in his house and sexually assaulted her. Learned APP further submitted that the medical report supports the prosecution case. There is strong *prima facie* case against the Applicant. If he released on bail, he may threaten the victim and prosecution witnesses and requested to reject the application.

6. I have heard all learned counsel. Perused the charge sheet.

7. In the FIR, there are no allegations of sexual assault against the Applicant. In the statement before the doctor, the victim has stated that Applicant sexually assaulted her by applying condom, but in the statement under Section 164 of Cr.PC., victim has not stated about the use of condom while sexual assault by the

Applicant. The medical report shows that sexual assault cannot be ruled out. The Applicant is behind bar for more than 20 months. Yet charge has not been framed. It may take time to conclude the trial. Considering these facts, I am inclined to allow the application, and I pass following order:-

ORDER

- i. Application is allowed.
- ii. Applicant be released on bail in connection with C.R. No. 121 of 2023 registered with Shahapur Police Station, Ichalkaranji, on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- iii. The Applicant shall mark his attendance with the concerned police station on First Saturday of each month between 11:00 a.m. to 2:00 p.m. till the conclusion of the trial.
- iv. The Applicant shall remain present before the trial Court on each date unless exempted by the trial Court.
- v. The Applicant shall not tamper with evidence or attempt to influence or contact the complainant, witness or any

person concerned with the case.

- vi. The Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- vii. Applicant shall not enter in the Shahapur Ichalkaranji City, till recording of the evidence of the victim, except attending the Court dates.
- vii. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. All the concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)