

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3439 OF 2023

Krushnath @ Balasaheb Shrimant Bansode

...Applicant

Versus

The State of Maharashtra & Anr

...Respondents

Mr. Somnath Thengal, for the Applicant.

Ms. Sairuchita Chowdhary h/f Shekhar Jagtap i/b J. Shekhar Associates, for the Respondent No.2.

Mr. B. B. Kulkarni, APP for the Respondent-State.

Mr. Rahul R. Udar, Police Constable, Barshi City Police Station, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 26th JUNE 2025

P.C.:

- 1.** This Application is preferred for pre-arrest bail in connection with C.R. No.755 of 2023 registered with Mohol Police Station, Solapur Rural for the offences punishable under Sections 376(2)(n), 342, 313, 143, 323, 504 and 506 of Indian Penal Code, 1860 (“**IPC**”).
- 2.** A learned Single Judge by order dated 11th December, 2023 granted interim protection. The said order reads as under:-

“1) Heard the learned Counsel for the parties.

2) This application is preferred for pre-arrest bail in connection with C.R. No. 755 of 2023, registered with Mohol police station, Solapur Rural for the offences punishable under Sections 376 (2) (n), 342, 313, 143, 323, 504 and 506 of Indian Penal Code, 1860 (“the Penal Code”).

3) The learned Counsel submits that he has instructions to appear on behalf of the respondent No. 2 and undertakes to file Vakalatnama on behalf of respondent No. 2.

4) The learned Counsel also seeks time to consider the

application and file an affidavit-in-reply.

5) The gravamen of indictment against the applicant is that the applicant had made the respondent No. 2- first informant to repose confidence in the applicant by assuring her that he would assist in all her agricultural operations. In the month of February, 2023, the applicant had allegedly sexually exploited her by taking her to a lodge. When the first informant resisted, the applicant threatened the first informant and her four year old son out of their life. It is further alleged that when first informant conceived, she was made to abort the foetus.

6) Mr. Gupta, the learned Senior Counsel for the applicant invites the attention of the Court to the documents especially the Leave and License agreement and the extract of the Register at lodge in support of the submission that the relationship was consensual.

7) The learned APP seeks time to take instructions as these documents were not placed before the Court of Session.

8) Prima facie, having regard to the situation in life of the applicant and the first informant, the aspect as to whether the relationship between the applicant and the first informant, especially in the backdrop of the material on record, was consensual, warrants consideration.

9) In view of the above, til the application is heard by providing an opportunity to the prosecution and the first informant, it may be expedient to protect the liberty of the applicant.

10) Hence, the following order:-

ORDER

I) In the event of arrest of the applicant in connection with C.R. No. 755 of 2023, registered with Mohol police station, Solapur Rural for the offences punishable under Sections 376 (2) (n), 342, 313, 143, 323, 504 and 506 of Indian Penal Code, 1860, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

II) The applicant shall co-operate with the investigation and attend Mohol police station, Solapur Rural on 15th and 16th December, 2023 in between 10.00 am to 1.00 pm and, thereafter, as and when directed by the Investigating Officer.

III) The applicant shall not contact the first informant any of her relatives, any of the persons acquainted with the facts of the case and give threat or inducement to the first informant, any of her relatives or witnesses.

IV) The applicant shall submit himself for medical examination, if directed.

V) Stand over to 3rd January, 2024.

VI) The respondent No. 2 is at liberty to file an affidavit- in-reply and serve its copy on the applicant.”

3. The Respondent No.2 i.e. first informant had filed Affidavit-in-Reply dated 18th January, 2024 raising contention that this Court granting interim protection has imposed condition on the Applicant that he shall not contact with the Respondent No.2, however, he contacted the Applicant and threatened him and therefore N.C. dated 22nd December, 2023 was filed. Thereafter, the Respondent No.2 filed another Affidavit-in-Reply dated 13th April, 2024. In the said Affidavit-in-Reply various events which have taken place have been narrated. Thereafter the Respondent No.2 filed an Additional Affidavit-in-Reply dated 11th December, 2024 stating that after securing the interim protection from this Court the Applicant has been harassing the Respondent No.2 and pressurizing her to take back the FIR.

4. The Applicant has filed Affidavit-in-Rejoinder dated 14th January, 2025 pointing out certain What's App chats and call records. In the said Affidavit-in-Rejoinder, it is stated that after filing of the FIR on 13th October, 2023 the Respondent No.2 has tried to contact the Applicant

but Applicant has not answered any of the call of the Respondent No.2 and Respondent No.2 has sent certain messages on What's App.

5. The Respondent No.2 has filed further Additional Affidavit dated 19th March, 2025. In the said Additional Affidavit dated 19th March, 2025, it is stated that after securing the interim protection from this Court, the Applicant has been harassing the Respondent and pressurizing her to take back FIR. It has been stated that, the Applicant and his family members threatened and pressurize the Respondent No.2 to withdraw the Criminal Case and therefore FIR No.130 of 2025 was lodged on 11th March, 2025 under Sections 76, 118(1), 189, 191(1), 190, 115(2), 352, 351(3).

6. Perusal of the record shows that the Applicant has been granted interim protection by order dated 11th December, 2024. The charge-sheet has already been filed on 5th June, 2024. Thus, investigation is completed. Therefore, this Anticipatory Bail Application can be disposed of in terms of order dated 11th December, 2023 passed by a learned Single Judge.

7. However, it is required to be noted that there is another FIR filed bearing No.130 of 2025 on 11th March, 2025, wherein the allegations of the Respondent No.2 is that the Applicant and his family members threatened the Respondent No.2 and pressurizing the Respondent No.2 to take back the Criminal Case.

8. The various Affidavits filed also show that, it is the contention of the Respondent No.2 that Applicant has trying to contact and harass the Respondent No.2 and also her child of 4 years whereas it is the contention of the Applicant that the Respondent No.2 is contacting him.

9. In the facts and circumstances, the interim protection granted by order dated 11th December, 2023 can be continued by disposing of Anticipatory Bail Application in terms of the said order dated 11th December, 2023, however, certain further conditions are required to be imposed.

10. Accordingly, Anticipatory Bail Application can be disposed of by passing following order:-

ORDER

(i) In the event of arrest of the Applicant in connection with C.R. No.755 of 2023, registered with Mohol Police Station, Solapur Rural for the offences punishable under Sections 376(2)(n), 342, 313, 143, 323, 504 and 506 of Indian Penal Code, 1860, the Applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall attend Mohol Police Station, Solapur Rural on every Monday and Thursday

between 11:00 a.m. to 1:00 p.m., till the completion of the trial. This condition is imposed as the Respondent No.2 has expressed certain apprehension.

(iii) The Applicant shall not enter the locality where the first informant is residing, where she is working and where the school of the child of the Respondent No.2 is located, except to attend the trial Court on the dates of concerned sessions case.

(iv) The Applicant shall attend the trial Court regularly on all the dates and shall not seek any adjournments.

(v) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(vi) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

11. Accordingly, the Anticipatory Bail Application is disposed of in above terms.

[MADHAV J. JAMDAR, J.]