

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

CRIMINAL BAIL APPLICATION NO. 5160 OF 2024

Anil Chandbasappa Birajdar	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Viresh V. Purwant, Advocate for the Applicant.

Mr. S. S. Choudhari, A.P.P. for the Respondent – State.

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CORAM	:	N. R. BORKAR, J.
DATE	:	21st MARCH, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 395 of 2024 registered at Akkalkot North Police District : Solapur for the offences punishable under Sections 64(1), 333, 352, 351(3) of the Bhartiya Nyaya Sanhita, 2023.
3. According to the prosecution on the date of incident which took place on 28.08.2024, the victim who was married, had come to her parents' house for the purpose of Rakshabandhan. It is alleged that the present applicant came to the house of the victim, and committed forcible sexual

intercourse with her. It is alleged that applicant took a selfie in his mobile phone with the victim and threatened her not to disclose about the incident or else, he would send the said photograph to her husband.

4. I have heard the learned counsel for the applicant, learned A.P.P. for the Respondent-State and learned counsel for Respondent No.2- victim.

5. The learned counsel for the applicant submits that the victim and the applicant were in relationship. It is submitted that the victim herself had called the applicant while she was alone at home.

6. On the other hand, the learned A.P.P. for the Respondent-State and learned counsel for Respondent No.2- Victim submit that the present applicant has ruined the matrimonial life of the victim. It is submitted that he had sent the photograph which he forcibly took with the victim to the husband of the victim. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the statement of the victim and the history narrated by the victim at the time of her medical examination. *Prima-facie* it appears that the applicant and victim were in relationship. During her medical examination, no external injuries were found on the person of the victim. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No. 395 of 2024 registered at Akkalkot North Police District : Solapur for the offences punishable under Sections 64(1), 333, 352, 351(3) of the Bhartiya Nyaya Sanhita, 2023 on executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not enter into the limits of Village Chapalgaon, Taluka Akkalkot, District:Solapur till conclusion of trial.
- (iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)