

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1021 OF 2024

Sandeep S/O Dinanath Vishwakarma	.. Applicant
Versus	
State Of Maharashtra and Anr.	.. Respondents

-
- Mr. Ashok M Saraogi a/w Ms. Priti Rao and Mr. Shubham Mishra, Advocates for Applicant.
 - Ms. Kavisha Khanna, appointed Advocate from Legal-aid for Respondent No.2.
 - Ms. Rajeshree V. Newton, APP for State.
 - PSI – Rafique Mujawar, Kurar Police Station.
-

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 21, 2025

P. C.:

1. Heard Mr. Saraogi, learned Advocate for Applicant; Ms. Khanna, learned appointed Advocate from Legal-aid for Respondent No.1 and Ms. Newton, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail in connection with Crime No. 664 of 2023 registered with Kurar Village Police Station for the offences punishable under Sections 376(2)(n), 354 and 354-B of the Indian Penal Code, 1860 and under Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. FIR is lodged by First Informant on 10.11.2023 at 17:27 hrs. in respect of the crime which has taken place on two days namely on 09.11.2023 and 10.11.2023 as stated in the FIR / complaint which is appended at Page No.18 and the statement appended at Page No.25 of the Application. There is an apparent reference to a fight which has taken place between the First Informant – Complainant's husband and Applicant on 10.11.2023.

4. Mr. Saraogi, learned Advocate for Applicant at the outset would submit that with respect to that fight which occurred Complainant's husband threatened the Applicant with a sword to assault him and Applicant therefore rushed to the Police Station for lodging a complaint. This incident according to him occurred prior to the alleged 2nd incident in question which is alleged in the FIR. He would submit that Applicant at that time was at the Police Station itself. He would submit that the Police refused to take down his complaint and he was subsequently arrested in the present crime in question which was lodged at 05:27 pm on the same day as a counter blast to him going to the Police Station. He would submit that if the prosecution are directed to produce the CCTV footage of the Police Station, it will be evident and seen that at the time of the alleged 2nd incident on 10.11.2023 the Applicant was at the Police Station itself.

5. Though Ms. Khanna, learned appointed Advocate for Respondent No.2 and Ms. Newton, learned APP for State would persuade me to consider the medical evidence also in the present case, before I go to the same it would appropriate that prosecution file an appropriate Affidavit to explain the above issue raised by the learned Advocate for the Applicant about his absence from the incident spot on 10.11.2023 and his presence being at the Police Station. Let the Affidavit-in-Reply be filed within a period of one week from today.

6. Stand over to **3rd March, 2025 (F.O.B)**. To be listed on the Supplementary Board.