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

CRIMINAL BAIL APPLICATION NO. 1495 OF 2024

Sandip Dadu Khalse ... Applicant

Vs.

The State of Maharashtra & Anr. ... Respondents

Mr. Shailesh Kharat a/w Onkar Chaudhari, Advocate for the Applicant.

Ms. Deepali Bagla, Advocate for Respondent No.2 (Legal Aid)

Ms. Anamika Malhotra, APP for Respondent/State.

Mr. A. E. Diyanekar-PSI, Dehu Raod Police Station, Pune.

CORAM : ASHWIN D. BHOBE, J.

DATE : 25th AUGUST, 2025.

P.C. :

1. Heard Mr. Shailesh Kharat, learned Advocate for the Applicant, Ms. Deepali Bagla, learned Advocate for Respondent No.2 and Ms. Anamika Malhotra, learned APP for the State.

2. By the present Application, Application is seeking bail in Crime No. 311 of 2023 registered on 26th May, 2023 with Dehu Road Police Station for the offences punishable under Sections 366-A, 376, 452, 323, 341, 427, 504, 506 of the Indian Penal Code (for short "IPC") and Sections 4, 8 and 12, of the Protection of Children from Sexual Offences Act, 2012. Said crime is registered as Special Case No. 57 of 2023.

3. Applicant is the sole Accused in the present crime.

4. FIR is registered on the basis of the complaint lodged by Respondent No.2. Case of the prosecution is that on 7th May, 2023, Respondent No.2 was assaulted, beaten with a belt and thereafter forcibly taken to a forest by the Applicant on his motorcycle, where she was sexually assaulted.

5. Applicant was arrested on 5th June, 2023. Bail Application at Exhibit-2 filed by the Applicant in Special Case No.57 of 2023 was rejected by the Additional Sessions Judge, Vadgaon Maval, District, Pune on 20th January, 2024.

6. Mr. Shailesh Kharat, learned Advocate for the Applicant, submits that the Applicant has been framed in the present crime. He submits that the FIR was registered after almost 20 days from the date of the alleged incident. He submits that there is no evidence of any form to implicate the Applicant in the present crime.

7. Ms. Anamika Malhotra, learned APP for the State, submits that the Respondent No.2 had narrated the incident of 7th May, 2023 in her complaint dated 26th May, 2023. She submits that in the Respondent No. 2 in her statement recorded under Section 164 of Cr.P.C. has made an attempt to improvised her case.

8. Ms. Deepali Bagla, learned Advocate for Respondent No.2, submits that the offences are serious. She submits that if the Applicant is released on bail, the Applicant will interfere with the prosecution witnesses and tamper with evidence.

9. I have perused the records with the assistance of learned Advocates of the parties.

10. Records reveal that the incident alleged is dated 7th May, 2023. Complaint is filed on 26th May, 2023 almost after 19 days of the incident. There is no explanation for the delay in lodging the complaint after 19 days. There are inconsistencies in the statement of the Respondent No.2 recorded under Sections 161 and 164 of Cr. P. C. As submitted by Ms. Anamika Malhotra, learned APP for the State the Respondent No.2 has made an attempt to improvise her case in her statement recorded under Section 164 of Cr. P .C. Medical examination report of the Respondent No. 2 does not indicate any injury, swelling or forcible sexual assault. Medical examination report of the Respondent No. 2 does not support the case of the prosecution.

11. Applicant is in jail for almost two years. Considering the nature of allegations and the material on record, continuation of the Applicant in jail pending the trial is not warranted.

12. Apprehensions expressed by Ms. Deepali Bagla, learned Advocate for Respondent No.2, can be taken care of by imposing stringent conditions. One of the conditions Ms. Deepali Bagla, learned Advocate for Respondent No.2 suggest is that the Applicant should not enter the jurisdiction of Dehu Road Police Station, Pune till the conclusion of trial.

13. Mr. Shailesh Kharat, learned Advocate for the Applicant on instructions from the Applicant submits that pending the trial and till conclusion of the trial in Special Case No.57 of 2023, Applicant shall not enter the jurisdiction of Dehu Road Police Station, Pune. Statement accepted.

14. In view of the above, the Applicant is entitled to bail, on the following conditions:-

(a) Applicants is directed to be released on bail in connection with Crime No. 311 of 2023, registered with Dehu Raod Police Station, Pune, upon furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties each in the like amount, to the satisfaction of the Additional Sessions Judge, Vadgaon Maval, District Pune.

(b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade such person from disclosing the facts to the Court or any police officer and should not tamper with evidence.

(c) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Investigating Officer, Dehu Raod Police Station, District Pune.

(d) Applicant shall not enter the territorial jurisdiction of Dehu Raod Police Station till the conclusion of the trial in Special Case No.57 of 2023.

(e) Applicant shall not contact the victim or any of the family members in whatsoever manner.

15. The Bail Application No.1495 of 2024 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)