

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

CRIMINAL BAIL APPLICATION NO. 3086 OF 2024

Prakash Sopan Mundhe	...Applicant
Versus	
The State of Maharashtra And Anr.	...Respondents

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Mr. Rohan Kaiche, Advocate for the Applicant.

Ms. Komal G. Sinha, Appointed Advocate for the Respondent No.2-Victim.

Mr. Vinod Chate, A.P.P. for the Respondent No.1 – State.

Mr. A. A. Shaikh (H.C.), Nashik Road Police Station, present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	25th FEBRUARY, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 296 of 2023 registered at Nashik Road Police Station, District : Nashik for the offences punishable under Sections 376(D), 328, 323 and 506 of the Indian Penal Code (for short “IPC”).
3. The applicant is an accused No.2 in the aforesaid crime. According to the prosecution, on 21.06.2023 at 2:00 p.m. the victim left her house at Navasari due to a quarrel with

her mother and decided to go to her sister's house at Nashik. She boarded a train from Navsari Station and reached Nashik Road Railway Station at 11:30 p.m. and called her sister. Her sister told her to wait at the railway station till morning and that she will come to pick up her. Accordingly, the victim waited on platform no.2. At about 2:30 a.m., accused No.1 approached her and asked where she wanted to go and whether she wanted something to eat. The victim refused but he kept bothering her. It is alleged that after some time, accused No.1 brought a Vadapav and forced the victim to eat the said Vadapav. It is alleged that after eating said Vadapav, she started feeling dizzy. Thereafter, accused No.1 forcibly took the victim out of the railway station and on the way, he stopped at a medical shop. It is alleged that he forced her to sit in an auto rickshaw of the present applicant. It is alleged that accused No.1 and the applicant exchanged some words and thereafter stopped the auto at one isolated place near a C.N.G. station. It is alleged that then they dragged the victim out of the auto and took her near the bushes and committed forcible sexual intercourse with the victim.

4. The learned counsel for the applicant submits that applicant has nothing to do with the alleged crime. It is submitted that the applicant was not known to the victim still no test identification is conducted.

5. On the other hand, the learned A.P.P submits that after arrest of the applicant, he was shown to the victim and she identified him. It is submitted that considering the nature of offence, the applicant may not be released on bail.

6. *Prima facie* there appears to be substance in the submission of the learned counsel for the applicant. In that view of the matter, 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. 296 of 2023 registered at Nashik Road Police Station, District : Nashik for the offences punishable under Sections 376(D), 328, 323 and 506 of the IPC, on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

- (iii) The applicant shall attend the concerned Police Station twice in a month on first and third Saturday of the month between 11:00 a.m. to 1:00 p.m. till conclusion of trial;
- (iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)