

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

CRIMINAL BAIL APPLICATION NO. 3523 OF 2024

Madan Sopan Phalake ...Applicant
Versus
The State of Maharashtra And Anr. ...Respondents

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

Mr. Zakir Hussain Shaikh, appointed Advocate for Respondent No.2.

Mr. V. A. Kulkarni, A.P.P. for the Respondent No.1 – State.

Mr. Nyamane N. S. (A.P.I.), Chakan Police Station, present.

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

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 91 of 2019 registered at Chakan Police Station, Pimpri Chinchwad, for the offences punishable under Sections 376(2)(f)(l), 323, 504, 506 of the Indian Penal Code, Sections 3, 4, 5(k)(n), 6, 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.
3. The present applicant is the husband of the complainant. The victim is the niece of the complainant. The allegations against the present applicant are of penetrative sexual assault.

4. According to the complainant, on the date of incident which took place on 07.01.2019, they were residing together. The learned counsel for the applicant has, however, placed on record the decree of divorce dated 01.11.2014 between the complainant and the present applicant.

5. In the complaint there is no reference of the decree. Thus, *prima facie*, the possibility of false implication cannot be ruled out. 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. 91 of 2019 registered at Chakan Police Station, Pimpri Chinchwad, for the offences punishable under Sections 376(2)(f)(I), 323, 504, 506 of the Indian Penal Code, Sections 3, 4, 5(k) (n), 6, 7 & 8 of the Protection of Children from Sexual Offences Act, 2012 on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) Application stands disposed of accordingly.

(N. R. BORKAR, J.)