

Ajay

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

CRIMINAL BAIL APPLICATION NO. 4498 OF 2024

Nitin Kisan Thakre

.. Applicant

Versus

The State of Maharashtra and Anr.

.. Respondents

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- Mr. Dheeraj Panchange, Advocate i/by Mr. Santosh P. Sonawane for Applicant.
 - Mr. Balraj B. Kulkarni, APP for Respondent – State.
 - Mr. R.L. Wagh, PSI, Vasind Police Station present.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 28, 2025.

P.C.:

1. Heard Mr. Panchange, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondent – State.

2. This is an Application under Section 439 of the Code of Criminal Procedure, 1973 seeking Regular Bail in connection with C.R.No.115 of 2024 registered with Vasind Police Station for the offences punishable under Sections 376(2)(n) and 506 of the Indian Penal Code, 1860.

3. First Information Report (FIR) is appended at Exhibit “A” – page No.11 of the Bail Application. It is seen that the date of the incident as stated in the FIR is from 20.10.2020 to 20.09.2023 and the FIR is thereafter lodged on 07.06.2024.

4. The aforesaid timeline itself is indicative of the gross and abnormal delay on the basis of the record. That apart, it is First Informant's own case as stated in the FIR that she befriended the Applicant sometime in October 2020. After 4 years of her married life when she had contemplated separation from her husband at that time the friendship of the Applicant and First Informant blossomed into love with each other and for the first time in October 2020 she on her own volition visited Madhura Lodge near Aasangaon bridge and had physical relationship with the Applicant.

5. Though it is stated that the said physical relationship was against her consent but what is *prima facie* seen from the record of the case is that thereafter until October 2023 First Informant repeatedly had physical relationship with the Applicant.

6. Considering the age of the Applicant and that she was clearly aware of all her overt act, it cannot be said that she was a divorcee and she fell prey to the advances of the Applicant. First Informant was already married to Mr. Akshay Dipal Lihe in the year 2016 and was yet to be separated from him.

7. In view of the above observations and the specific timeline of over a period of 3 and ½ years as delineated above and the FIR having been lodged much belatedly, Applicant before me is entitled for bail.

8. In view of the above, Bail Application stands allowed on the following terms and conditions:-

- (i) Applicant – Nitin Kisan Thakre is directed to be immediately released from prison in connection with C.R. No.115 of 2024;
- (ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one surety of the like amount;
- (iii) Applicant shall report to the Investigating Officer at Vasind Police Station as and when called by the Investigating Officer;
- (iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so it will entitle the prosecution to apply for cancellation of this order;
- (v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

- (vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable;
- (viii) Applicant shall not make any attempt to re-associate with the victim girl in any manner either through any device or in-person; and
- (ix) Any infraction of the conditions shall entail prosecution to apply for cancellation of bail granted to the Applicant.

9. It is clarified that the above observations in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case.

10. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]

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