

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4722 OF 2024

Haridas B. Nirgude ...Applicant
V/s.
State of Maharashtra & Anr. ...Respondents.

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Mr. Shailesh Kharat for the Applicant.
Ms. Veera Shinde, APP for the Respondent/State.
API Datatray Patil, Tulinj Police Station present.

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CORAM : N.R. BORKAR, J.
DATE : 07.01.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.165 of 2018 registered at Tulinj Police Station, Palghar for the offences punishable under Sections 302, 376 and 201 of the Indian Penal Code.
3. According to the prosecution, the deceased and the applicant were in relationship. It is alleged that on the date of incident which took place on 18.2.2018, he called her to his place and forcibly committed sexual intercourse with her. There was bleeding from private parts of the deceased and thus he asked her to go home. It is alleged that as she refused to go home altercation took place between them and during the said altercation he strangled her.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.
5. The learned counsel for the applicant submits that the alleged act of sexual intercourse was consensual. It is submitted that the applicant is in jail for a period of approximately 7 years and the trial has not yet commenced.
6. Considering the fact that the applicant is in jail for about 7 years and as the trial has not commenced, I am inclined to release him on bail. In the result, the following order is passed.

ORDER

- A] Bail Application is allowed.
- B] The applicant be released on bail in C.R. No. 165 of 2018 registered at Tulinj Police Station, Dist. Palghar for the offences punishable under Sections 302, 376 and 201 of the Indian Penal Code on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C] The applicant shall attend the concerned police station once in a month i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

[N.R.BORKAR, J.]