

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

CRIMINAL APPEAL NO.138 OF 2025

Akshay Suresh Basude

.... Appellant

Versus

State Of Maharashtra And Anr.

.... Respondents

Mr. Laxman Shahapur along with Adv. Bhimmana Meti, Ms. Deepali H. Bobade, Ms. Monisa Usmani and Mr. Aashish Chauhan, Advocate for the Appellant.

Ms. Shilpa Gajare, A.P.P., for Respondent – State.

Mr. Angad More, Advocate for Respondent No.2.

Mr. S. R. Kanadkhedkar, P.S.I. Parksite Police Station – Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th JULY, 2025.

P.C. :

1. By this appeal, the Appellant is seeking regular bail in Crime No.692 of 2024 registered with Park Site Police Station, Mumbai, for the offences punishable under Sections 115(2), 3(5), 352(2), 352, 64, 64(2)(d), 74, 89 of Bharatiya Nyaya Sanhita, 2023 (for short, “BNS Act”) and Sections 3(1)(r) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is prosecution’s case that the Appellant sexually

assaulted the first informant during the period from 1st August, 2021 till filing of the complaint under the promise of marriage. It is alleged that due to sexual assault, the first informant had become pregnant. The Appellant forced her to abort the said pregnancy and refused to marry with the first informant as she belongs to Schedule Caste.

3. It is contention of learned counsel for the Appellant that the relationship between the Appellant and first informant was consensual. There was love relationship between them. The Appellant is behind bar for around eleven months. The evidence of the first informant is completed before the trial Court. The Appellant is Karta of his family. It may take time to conclude the trial. Hence, requested to allow the appeal.

4. It is contention of learned APP for the Respondent – State and learned counsel for Respondent No.2 that, the Appellant sexually assaulted the first informant under the promise of marriage. He forced her to abort the pregnancy. If the Appellant is released on bail, he may abscond or threaten the prosecution witnesses. Hence, requested to dismiss the appeal.

5. I have heard all learned counsel, perused the F.I.R. and

documents produced on record.

6. It appears that the relationship between the Appellant and first informant were consensual. The evidence of the first informant has been recorded before the trial Court. The Appellant is behind bar for around eleven months. It may take to conclude the trial, and I pass following order :

ORDER

- i. The appeal is allowed.
- ii. The Appellant be enlarged on bail in Crime No. 692 of 2024 registered with Park Site Police Station, Mumbai, on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.
- iii. The Appellant shall not contact with the victim – first informant or prosecution witnesses.
- iv. The Appellant shall attend the Court dates regularly.
- v. The Appellant shall not attempt to influence or contact the witnesses or any person concerned with the case.
- vi. The Appellant be released on provisional cash bail Rs.15,000/-. The Appellant shall submit the sureties as directed by this Court within four weeks after

releasing of jail.

. The Appeal disposed of in the aforesaid terms and conditions.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with the law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)