

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 190 of 2025**

Dinesh Madhukar Bhundere ... Appellant

versus

The State of Maharashtra and anr. Respondents

Mr. Sandeep Mishra along with Ms. Madhura Mulay i/b. Mr. Swaresh Tripathi, Advocate for the Appellant.

Mr. Ashok Gawai, APP for Respondent No.1-State.

Mr. Pradeep Purohit, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th APRIL, 2025.

P.C. :

1. The bail application of the appellant is rejected by the Trial Court, hence, the appellant is before this Court by way of this appeal.

2. By this appeal, the appellant is seeking regular bail in Crime No. 324 of 2023 registered with Murbad Police Station, Thane Rural, for offences punishable under Sections 376(2)(j)(l)(n), 504 and 506 of the Indian Penal Code 1860 and Sections 3(1)(w)(i)(ii), 3(2)(v) and 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. It is prosecution's case that the victim is widow and mentally disturbed woman, she stays alone. The first informant is her nephew. On 24th September 2023 at 3.30 p.m., when the first informant had come

to meet victim, he saw appellant sexually assaulting the victim. Upon seeing the first informant, the appellant fled away. When the first informant inquired with the victim, she told the first informant and her family members that the appellant on earlier occasions had come in his house and sexually assaulted her. Thereafter, the first informant and his family members informed the father of the appellant about the incident but the appellant threatened the first informant and his family members. It is alleged that on 28th September 2023, again the appellant was seen near the house of the victim.

4. It is contention of learned counsel for the appellant that the appellant is behind bar for more than 1 ½ years. The investigation is completed and charge-sheet has been filed. The police has recorded the statement of victim under Section 164 of Cr.P.C.. In the said statement, the victim has not stated about the sexual assault by the appellant. The appellant undertakes to remain outside the village where the victim stays. Hence, requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for respondent No.2 that the victim is widow. Due to death of her husband, her mental condition is unstable. She stays along with first informant and her nephew. The first informant looks after the victim. By taking undue advantage of the condition of the victim, the appellant sexually assaulted her on several occasions. The victim has stated before the police about sexual assault by the appellant. If the appellant is released on bail, he

may threaten the victim and prosecution witnesses. Hence, requested to dismiss the appeal.

6. I have heard all learned counsel, perused the charge-sheet and documents produced on record.

7. The allegations against the appellant are that, by taking undue advantage of the situation, the first informant sexually assaulted the victim on several occasions by entering in the house of the first informant where the victim resides. A statement of the victim under Section 164 of the Cr.P.C. shows that no sexual assault was made on her by the appellant. In the said statement, it is mentioned that the appellant had hugged her. Considering these facts as well as the appellant is behind bar for more than 1 ½ years and investigation is completed and charge-sheet has been filed, I pass following order :

ORDER

- (i) The appellant be enlarged on bail in Crime No. 324 of 2023 registered with Murbad Police Station, Thane Rural, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The appellant shall not enter in the village where the victim resides till recording of evidence of the victim and first informant.

(iii) The appellant shall attend the concerned police station as and when required.

(iii) The appellant shall not attempt to influence or contact the victim, witnesses or any person concerned with the case.

The appeal is allowed in the aforesaid terms and is accordingly disposed of.

8. 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 law and uninfluenced by the observations made in this order.

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

(SHIVKUMAR DIGE, J.)