



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.1257 OF 2024

Sanket Maroti Bhagat

.vs.

The State of Maharashtra, through PSO PS Ansing, Washim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr S. D. Chande, Advocate for the applicant
Ms Trupti Udeshi, APP for the non-applicant/State

CORAM : G.A. SANAP J.

DATE : FEBRUARY 05, 2025

Heard.

2 This is an application for regular bail by the applicant/accused, who has been arrested in a crime bearing No.306 of 2024, registered at Ansing Police Station, Washim for the offences punishable under Sections 64(2), 64(1), 351(3) 351(2), 332(b) of the Bharatiya Nyaya Sanhita, 2023.

3 Learned Advocate for the applicant/accused would submit that considering the nature of the allegations in the FIR the incident, as narrated by the prosecutrix, is unbelievable. The learned Advocate would submit that this is not a case of a forcible intercourse with the prosecutrix against her will or consent. The learned Advocate would submit that the charge-sheet has been

filed. The further detention of the applicant/accused is not necessary. The trial may take its own time for completion. His further detention may amount to pre-trial sentence. The learned Advocate would submit that the accused is ready to abide by the conditions that may be imposed by the Court. The learned Advocate would submit that there is inordinate delay in lodging the FIR.

4 Learned APP would submit that the charge-sheet is filed very recently. The offence committed by the accused is serious. The delay *per se* in such a matter cannot be a ground to discard and disbelieve the statement of the prosecutrix. The learned APP would further submit that the possibility of tampering with the prosecution evidence or threatening the prosecutrix and the witnesses cannot be ruled out if he is granted bail.

5 I have perused the FIR. As per the case of the prosecution, the incident occurred on 19.11.2024 in the midnight at about 12:30 a.m. The husband of the informant was sleeping in the house. The prosecutrix has reported that in the night someone knocked on the door. She opened the door. She saw the accused. The accused, as per the case of the informant, dragged her and committed a sexual intercourse. As far as the merits of the

case are concerned the same cannot be gone into at this stage. It is the defence of the accused that the prosecutrix was a consenting party in the entire act. It is further submission of the accused that when the husband saw the accused with the prosecutrix, the matter was reported to the police after six days. It is seen that there is a delay of six days in lodging the FIR.

6 The charge-sheet has been filed. The detention of the accused is not necessary for custodial interrogation. The accused is taking education at Pune. He was 21 years old on the date of the incident. The prosecutrix on the date of the incident was 24 years old. In view of the above stated factual position, I am of the opinion that this is a fit case to exercise discretion in favour of the accused. The trial may take its own time for completion. Further detention of the accused in the prison may amount to pre-trial sentence. The apprehension *put forth* by the accused can be taken care of by imposing appropriate condition. Hence, the following order:

- i) The Criminal application is allowed.
- ii) Applicant- Sanket Maroti Bhagat be released on bail in Crime No.306 of 2024, registered with Police Station Ansing District:

Washim for the offences punishable under Sections 64(2), 64(1), 351(3) 351(2), 332(b) of the Bharatiya Nyaya Sanhita, 2023 on his furnishing P.R. bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall not enter the village Pardi (Asara), Washim till the completion of the trial except for the purpose of attending the trial on the given date.

vi] The applicant shall co-operate the investigating officer.

7. The Criminal Application stands **disposed of** accordingly. Pending application, if any, also stands disposed of.

(G. A. SANAP, J)