

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, Court's orders or directions and Registrar's orders.	Notes, of Court's orders or Registrar's	Office Coram,	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 28 OF 2015
WITH APPLN/6676/2014

SAGAR S/O TULSHIRAM KOLI (GHANTE)
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Patne Santosh N./
Mr.N.D.Kendre.
APP for Respondent: Mr. M. M. Nerlikar.

CORAM: T. V. NALAWADE, J.
DATED: 19th JANUARY, 2015.

PER COURT:

1. The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.
2. The crime is registered on the basis of report given by prosecutrix who was aged 14 years at the relevant time. On 15th January, 2014 after 07.30 p.m. when she was returning home one Sagar Tanaji Pawar gave her threats that he will disclose her relations with Rajesh Pawar and under that threat he took her to temple where the present applicant and others were present.

Allegations are made that other accused raped her and when the applicant was about to do it, her father came towards that side in her search and he was calling her name. It is her case that after hearing the call given by her father, all the accused ran away. She did not return to home and she was roaming here and there. On 17th January, 2014 she was brought by her brother from Omerga Bus Stand. She was subjected to medical examination. This Court is avoiding to discuss the medical record dated 19th January, 2014. Report was given on 19th January, 2014. This Court is also avoiding discussion regarding medical examination dated 18th February, 2014. It can be said that on 18th February, 2014 it was found that she was pregnant of 15 weeks and 6 days.

3. Though the age of prosecutrix is given as 14 years, in view of the part played by the applicant and the aforesaid circumstances, this Court holds that it is not desirable to keep the applicant Sagar Koli behind bars till disposal of the case.

4. Criminal Application No. 28 of 2015 is allowed. Applicant Sagar S/o Tulshiram Koli (Ghante) is to be released on bail on his furnishing P.R. and S.B. of

Rs.15,000/-. He is not to tamper with prosecution witnesses. He is not to commit similar offence. He is not to visit village of the prosecutrix till disposal of the case which is filed against him.

5. Applicant from Criminal Application No.6676 of 2014 has given his name as Vijay Koli but he is identified as Rajesh Ghante by the prosecutrix and there is supplementary statement of the prosecutrix to that effect. He raped her as per the police statement. Learned counsel for the Applicant submitted that the applicant has been behind bars since last one year. Though he is behind bars for one year, his case is different from the case of Applicant Sagar to whom this Court is inclined to grant bail. The earlier application of applicant In Application No.6676 of 2014 was withdrawn as this Court was not inclined to grant bail and that was done in Criminal Application No.2950 of 2014 by order dated 11th September, 2014. Circumstances have not changed. This Court holds that it is not fit case to grant bail in favour of this applicant Vijay Koli. So, his application needs to be rejected. Application No.6676 of 2014 is rejected.

6. The trial Court is directed to expedite the hearing

of the case and dispose of the same as early as possible and in any case within a period of three months from receipt of this order.

[T. V. NALAWADE, J.]

Dt.19/01/2015
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