

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.1125 OF 2015

Narayan Shreeram Jadhav ..Applicant

Versus

The State of Maharashtra ..Respondent

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Mr.C.P.Sengaonkar, advocate for applicant
Mrs.B.B.Gunjal, APP for respondent - State

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CORAM : M.T. JOSHI, J.

DATE : MARCH 26, 2015

PER COURT :

Heard both sides.

2] Present applicant, who is arrested in Crime No.I-0093 of 2013 registered with Tembhurni Police Station, Dist. Jalna for the offences punishable under Section 376(2), 324, 506 of Indian Penal Code; Sections 3(1), (11), (12) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act; and Section 4 of the Protection of Children from Sexual Offences Act, is praying for release on bail.

3] The earlier application of the present applicant bearing Criminal Application No.1988 of 2014 was allowed to be withdrawn by this Court on 19th June, 2014 with liberty to file similar application in case, the trial is not concluded within six months. Since the trial has not commenced, present application is filed by the applicant.

4] The complaint of a fourteen years old victim girl would show that on the day of the incident, at about 9:00 p.m., while she went to answer the nature's call in open place, present applicant came there, caught her hand, took her in his Vharanda and thereat, by threatening her, committed sexual intercourse with her. He also gave blows of stick twice on her legs. At the time of commission of crime, as her cousin brother was seen coming, the victim uttered '*brother run*', and thereupon, the accused ran away. Since the

victim belongs Matang community, the offences, as detailed supra, came to be registered.

5] The medical certificate would show that there was no injury on the private part of the victim while, abrasions were noted on the thigh, which are referable to stick blows.

6] The report of the concerned Sessions Court received by learned A.P.P., would show that the muddemal property is yet to reach the Sessions Court and upon receipt of the muddemal property, the Sessions Court has informed that, at least, four to six months would be required for conclusion of the trial.

7] Mr.Sengaonkar, learned counsel for the applicant, submits that the medical evidence would show that there was no injury on the private part or any other part of the victim, except two

abrasions over the thigh. He submits that under the suspicion of having some consensual sex, the family members of the victim might have beaten the victim and thereafter, forced her to file the complaint. He submits that present applicant is behind the bars since 4th December, 2013 and as the trial may take its own time as muddemal property is yet to reach the sessions court, the applicant may be released on bail.

8] Learned A.P.P. opposes the application. He submits that there is corroboration to the statements of the victim as some persons have seen the accused while fleeing away from the spot and the injuries found on the legs of the victim.

9] Taking into consideration the overall facts on record, as the trial may take its own time, in my view, the applicant can be released on bail on certain conditions.

10] Hence, the following order :-

a] Criminal Application is allowed;

b] The applicant be released on bail in Crime No.I-0093 of 2013 registered with Tembhurni Police Station, Dist. Jalna for the offences punishable under Section 376(2), 324, 506 of Indian Penal Code; Sections 3(1), (11), (12) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act; and Section 4 of the Protection of Children from Sexual Offences Act, on his executing P.R. Bond in the sum of Rs.20,000/- (Rs.Twenty Thousand) and also upon furnishing surety in the like amount;

c] The applicant shall not enter the territorial limits of village Hiwra Kabli, Tq.Jafrabad, Dist.Jalna, for a period of two years or till the trial is concluded, whichever occurs earlier, without permission from the Sessions Court.

[M.T. JOSHI, J.]

kbp