

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1761 OF 2015

Sunil s/o Siddheshwar Swami **APPLICANT**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. A.N.Nagargoje, Advocate for Applicant.

Mr. A.V.Deshmukh, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 21st APRIL, 2015

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PER COURT :

1. This is an application for bail since the applicant is languishing in jail in connection with Crime No. 80/2014 registered with Pimpaldari police station, Dist. Parbhani for the offences punishable u/s 376 (D), 323, 504, 506 of the Indian Penal Code and u/s 3 (1) (xi) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act.

2. Heard Mr. A.N.Nagargoje, learned counsel for the applicant and Mr. A.V.Deshmukh, learned A.P.P. for respondent – State.

3. Investigating Officer has already completed investigation and the charge sheet is filed.

4. Prosecutrix is major. Her age is 26 years. From the F.I.R. and from the statement of the prosecutrix, it is clear that she was first sexually assaulted by Govind, who is already released on bail by the trial Court even prior to filing of the charge sheet.

5. According to the F.I.R., after the prosecutrix was sexually assaulted by Govind, Siddhu Swami and Banti Mundhe had also sexually assaulted her. Co-accused Banti Mundhe is released on bail on 24/03/2015 by this Court. The role attributed to the present applicant is at par with co-accused Banti Mundhe. Therefore, applicant is entitled for bail on the principle of parity. Further, learned A.P.P. has stated that there are no marks of violence on the person of the applicant. The prosecutrix is major woman. *Prima facie*, there would have been injury mark, that would show the act of resistance. In that view of the matter, present Criminal Application is to be allowed.

6. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) Applicant Sunil s/o Siddheshwar Swami be released on bail in connection with Crime No. 80/2014 registered with Pimpaldari police station, Dist. Parbhani for the offences punishable u/s 376(D), 323, 504, 506 of the Indian Penal Code and u/s 3 (1) (xi) of the Scheduled Castes and the

Scheduled Tribes [Prevention of Atrocities] Act on he executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with two solvent sureties of like amount.

(iii) Applicant shall attend Pimpaldari police station, Dist. Parbhani twice a week preferably on every Sunday and Wednesday between 10.00 a.m. and 12.00 noon till the charge is framed by the learned Sessions Judge. Bail before the trial Court.

(iv) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]