

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2733 OF 2015
[Indas @ Balu Shankar Bhil Vs The State of Maharashtra]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri C.R.Deshpande, advocate for applicant
Shri A.S.Shinde, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 26th June, 2015

PER COURT :-

- 1] The present application is for bail since the present applicant is arrested in connection with Crime No.10 of 2015, registered with Police Station Mhaswad, District Nandurbar, for the offences punishable under Sections 376(1)(2)(J), 323, 506 of the Indian Penal Code.
- 2] I have heard Shri C.R.Deshpande, learned counsel for the applicant and Shri A.S.Shinde, learned Additional Public Prosecutor for the respondent/State .
- 3] The investigating agency has completed its entire investigation and charge sheet is already filed before the court of law.
- 4] The first information report is lodged by the prosecutrix herself. She is major. According to the report, on 23.2.2015 when the prosecutrix had been to a Nala for answering the nature's call, that time present applicant against her wish has committed rape on her. The injury certificate of prosecutrix is available on record. The injury certificate shows that there are no injuries on the private part of the prosecutrix. Further, the hymen was seen to be intact.

5] In view of such medical report, since the applicant is in jail since 24.2.2015 and the investigation is already over, further custodial presence of the applicant is not warranted. Hence I pass following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant-Indas @ Balu Shankar Bhil be released on bail, in connection with Crime No.10 of 2015, registered with Police Station Mhaswad, District Nandurbar, for the offences punishable under Sections 376(1)(2)(J), 323, 506 of the Indian Penal Code, on he executing P.R. bond in the sum of Rs.5,000/- with one solvent surety in the like amount.
- (iii) Bail before the trial court.
- (iv) The applicant shall not extend any threat to the prosecutrix, nor shall try to influence any of the prosecution witnesses.
- (v) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap2733.15