

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 3757 OF 2015**[Ghanshyam s/o Bapurao Chavan Vs The State of Maharashtra]****AND****CRIMINAL APPLICATION NO. 3553 OF 2015****[Krishana s/o Subhash Kanwate 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

Shri G.P.Shinde, advocate for applicant
Smt. Pratibha Bharad, A.P.P. for respondent
in both the Applications

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CORAM : V.M.DESHPANDE, J.**DATED : 22nd July, 2015****PER COURT :-**

1] These two applications arise out of Crime No. 10 of 2015, registered with Kinwat Police Station, District Nanded, for the offences punishable under Sections 376(D), 506 of the Indian Penal Code. Hence, both the applications can conveniently be disposed of by this common order.

2] Heard Shri G.P.Shinde, learned counsel for the applicants and Smt. Pratibha Bharad, learned Additional Public Prosecutor for the respondent State, in both the applications, in extenso.

3] The investigating officer has already completed investigation and charge sheet is also filed before the court of law.

4] The first information report is lodged by the prosecutrix herself. Prosecutrix is major and a married woman. According to the first information report, on 13.2.2015 at 9 O' clock, her husband Maroti went to the agricultural field for

irrigation purposes and at 9.30 p.m. when the prosecutrix stepped outside her house to answer the nature's call, that time, two persons lifted her and took to the cattle shed of applicant Ghanshyam and these applicants committed forcible sexual intercourse with her.

5] The first information report is lodged on 14.2.2015 at 17.05 hours. Immediately the spot panchanama was drawn. From the spot panchanama, it is clear that nothing incriminating was found by the investigation officer. Further, the map appended to the spot panchanama shows the existence of the house of one Lacchubhai, however the statement of said Lacchubhai is also not available on record. The medical report of the prosecutrix shows that there are no signs of force or any injury suggesting that she was subjected to forcible sexual intercourse.

6] Both the applicants are in jail since 14.2.2015. Investigation is also over. There is no possibility of Sessions trial being taken up in near future. The afore said discussion leads me to pass following order.

ORDER

- (i) Both the Criminal Applications are allowed.
- (ii) Applicant-Ghanshyam s/o Bapurao Chavan in Criminal Application No. 3757 of 2015 and Applicant-Krishna s/o Subhash Kanwate in Criminal Application No. 3553 of 2015 be released on bail, in connection with Crime No. 10 of 2015, registered with Kinwat Police Station, District Nanded, for the offences punishable under Sections 376(D), 506 of the Indian Penal Code, on they each executing P.R.bond of Rs.25,000/-with two solvent sureties in the like amount by each of them.
- (iii) Bail before the trial court.

- (iv) Applicant-Ghanshyam in Criminal Application No. 3757 of 2015 and Applicant-Krishna in Criminal Application No. 3553 of 2015 shall attend police station Kinwat once in a fortnight preferably on every Saturday in between 2.00 p.m. to 5. 00 p.m. till completion of the trial.
- (v) Both the Applications are disposed of.

(V.M.DESHPANDE, J.)

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