

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 7067 OF 2014

Lahu s/o. Papa Shinde **....Applicant.**

Versus

The State of Maharashtra **....Respondent.**

Mr. P.D. Suryawanshi, Advocate for applicant.

Mr. M.M. Nerlikar, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 8th January, 2015.

ORDER :

1. The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.

2. Chargesheet is filed against the present applicant and his three associates for the offences punishable under sections 376, 376 (2) (h), 376 (d), 365, 363, 34 etc. of I.P.C. The crime was registered on the basis of report given by prosecutrix. The incident took place on 1.7.2014. On that day, the husband of the prosecutrix had left home for job and her mother in law had left home to give company to other daughter in law for giving treatment in hospital. The prosecutrix and her sister in law had

taken sheep and goats for grazing. Allegations are made that when the sister in law was at some distance, three accused persons like Anna Gaikwad, Tushar Zombade and present applicant came there. Initially they tried to take away her by giving false information that her husband had called her. But, when she refused to go with them, they used force. She was first taken to one field and there, Anna committed rape on her. Then she was forcibly made to sit in one Indica car which was called by these three persons. Present applicant actively participated in the incident and they forcibly took her to other place. On 2.7.2014 they received phone call of somebody and they learnt that husband of the prosecutrix had consumed poison, when he learnt about the incident from her sister. Then they left the prosecutrix in the village in the night time. Report came to be given on 4.7.2014. Prosecutrix was referred for medical examination. As many as six injuries were found on the body of the prosecutrix. The other record including the statement of sister in law of the prosecutrix is consistent with her allegations.

3. The learned counsel for the applicant submitted that bail is granted to the driver of the Indica car by Sessions Court. He submitted that present applicant did not rape the prosecutrix and so, he is also entitled to get bail. These submissions are not

at all acceptable. It appears that the prosecutrix is from a poor family and her husband is working as a labour. Accused appears to be influential person and better placed. They forcibly took the prosecutrix in the Indica car even when they knew that prosecutrix is a married woman. She was kept with them from 1.7.2014 to 3.7.2014 and only when they learnt that husband of the prosecutrix consumed poison, she was allowed to go to home. Influential persons are doing such acts and they have no fear of anybody as they feel that they can do anything. Poor persons suffer and they even do not show courage to approach police. The circumstance that the husband of prosecutrix consumed poison instead of approaching police shows that the family of prosecutrix could not think to approach police even when the prosecutrix was taken away by the applicant. Such persons are in a position to influence the witnesses. Due to these circumstances, this Court holds that it is not a fit case to grant bail.

4. The application stands rejected.

[T.V. NALAWADE, J.]

ssc/