

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.235 OF 2015

Ramdas Tarachand Pingale

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Shashikant Chaudhari a/w Nilesh Tank, Mr.Thouseet Shaikh, Yogesh Chann i/b M/s.Chaudhari & Associates for the Applicant
Ms.Veera Shinde, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 31, 2015**

P.C.:

1. The applicant/accused is being prosecuted for the offences punishable under sections 376, 394, 326, 323, 504 and 506 of the Indian Penal Code registered at C.R. No.157 of 2014 with the Dahiwadi police station, Satara. The offence took place on 10.10.2014 and reported on 11.10.2014. The lady, who was ravished and robbed is of 50 years old and the applicant/accused who robbed her is of 24 years old. It is the case of the prosecution that the applicant/accused gave her lift on the night of 10.10.2014 on his moto0r cycle and when he came at a particular isolated place, he pulled her down, took her away from the road and raped her. Then he injured her with stone on her face and on her body. In the said assault, she lost her tooth. The applicant/accused took away her

mangalsutra, her ear rings and ran away and left her there only. As per the case of the prosecution, she was found injured. So, she was sent for the medical examination and treated. He was arrested on 13.10.2014 and since then, he is in prison. Hence, this application.

2. The learned Counsel for the applicant/accused submitted that it is true that he gave lift to the prosecutrix and while going on a motor cycle, she slipped accidentally from the motor cycle and fell down. Her tooth was lost and as he realised that the lady has fallen down, he got frightened and he ran away from the spot and he went home. He is innocent and he has not committed any offence. There is a variance in the statement of the prosecutrix and a supplementary statement in respect of the spot and how the offence has taken place. There is no specific observation in respect of the sexual intercourse in the medical report. Therefore, the applicant/accused be released on bail.

3. The learned Prosecutor has opposed the bail application. She submitted that there were many injuries on the body of the victim and she was raped and robbed of gold ornaments. The applicant/accused ran away leaving her bleeding in the field.

4. On perusal of the FIR, medical report, injury certificates, statements

of the witnesses and especially the statement of the victim, prima facie, there is sufficient evidence against the applicant/accused that he has committed this offence. Considering nature of the offence, the bail application is rejected.

(MRS.MRIDULA BHATKAR, J.)