

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.507 OF 2015

Sambhaji Bhagwan Patil

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.S.A. Ingawale for the Applicant

Mr.Arfa Sait, APP, for Respondent – State

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

DATE: **JUNE 22, 2015**

P.C.:

1. This application is moved for bail as the applicant/accused is facing charges under sections 376, 452, 354, 504, 506 r/w 34 of the Indian Penal Code, under section 3(1)(1)), 11, 3(2)(5) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989, under section 7(1)(d) of the Protection of Civil Rights Act and under section 5 of the Prevention of Immoral Traffic Act. It is the case of the prosecution that the prosecutrix belongs to scheduled caste. She is a married woman of 27 years of age. She was doing nursing course. However, she came in contact with the applicant and he told her that he could give her appointment and he liked her. Therefore, she used to go with him. He used to drop her from the hospital to her house. Once he forcibly took her to a lodge and raped her and told her that she would not disclose about the same to anybody. He

also threatened her that he would kill her husband and thereafter, he used to take her to a lodge and he used to rape her. It is the allegation of the prosecutrix that thereafter he made her to keep sexual relations with some other 10 to 12 persons in a lodge and thereafter as she could not bear it, she gave the complaint against him on 3.7.2014.

2. The learned Counsel for the applicant/accused has submitted that the applicant/accused is falsely implicated in the case. There are no date wise details in respect of the allegations given in the complaint. He submitted that the applicant/accused is in the prison since 3.7.2014. He further submitted that considering the age and the marital status of the complainant, the incident of rape appears to be false. The allegations under the Prevention of Immoral Traffic Act are also false.

3. The learned Prosecutor while opposing the application, submitted that the Investigating Officer is not present. He submitted that the applicant/accused is not only facing charges of rape but also under the Prevention of Immoral Traffic Act. The charges are serious and he is not to be bailed out. He further submitted that on 9.6.2014, the applicant/accused has taken away her appointment letter and on 28.6.2014, he forcibly took her out of her house.

4. Perused the FIR. It appears that the incident of rape as per the case of the prosecution, has taken place in May 2012. As per the case of the prosecutrix, she was raped continuously by the applicant and other co-accused. It was going on for 2 years and she gave the complaint on 3.7.2014. From the allegations made in the FIR and the period undergone by the applicant, I am of the view that it is a case to grant bail.

5. Therefore, the application is allowed on the following terms :

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;
- iii) The applicant shall not keep any type of contact in any manner with the prosecutrix and shall not try to pressurise her or any witness;
- iv) The applicant shall stay out of the village for six months except for attending the Court dates.

(MRS.MRIDULA BHATKAR, J.)