

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No. 425 of 2015
[Raju Namdeo Bajad Vs. State of Mah.]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. S.V. Sirpurkar, Adv., for the Applicant.
Mr. V.A. Thakre, APP for respondent.

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CORAM : V.M. DESHPANDE, J.

DATE : 15th September, 2015.

By the present application, the applicant is seeking a relief of pre-arrest bail, since he is apprehending his arrest in connection with Crime No. 50/15 registered with Police Station, Shirpur, Distt. Washim, for the offence punishable under Sections 376-A, 506 and 435 of Indian Penal Code, read with Section 3 (1) (xii) and 3 (ii), (iii) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

The first informant is a married woman. She filed the First Information Report against the present applicant on 24th May, 2015 in respect of the alleged

incident dated 22nd May, 2015. According to First Information Report, the first informant along with her husband was working in the agricultural field of the present applicant. On the day of the incident, when the husband of the prosecutrix was not available in her house, the present applicant dragged the prosecutrix from the tent where she used to reside and he had a forcible sexual intercourse with her. At that time, the husband of the prosecutrix came there and sensing his presence, the present applicant ran away. The prosecutrix was referred to the Medical Officer for her clinical examination. Investigation papers show that when she was referred to the Medical Officer, she narrated the history of the incident, that at the time of the incident, she had arguments with the present applicant and thereafter he pushed the first informant on the floor. However, no intercourse was committed by him, as her husband came there in between.

Looking to such nature of the evidence available in the police papers, and looking to the fact that the FIR is lodged belatedly and prosecution, of course, will have an opportunity to explain the said delay during the course of trial, in my view, custodial presence of the applicant is not necessary. That leads me to pass the following order:-

ORDER

- [a]** Criminal Application [ABA] No. 425 of 2015 is allowed and disposed of.
- [b]** In the event of arrest of the applicant in connection with Crime No. 50/15 registered with Police Station, Shirpur, Distt. Washim, for the offence punishable under Sections 376-A, 506 and 435 of Indian Penal Code, read with Section 3 (1) (xii) and 3 (ii), (iii) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, the applicant – Raju Namdeo Bajad be released on bail on he executing a Personal Bond of Rs. 25,000/- [rupees twenty-five thousand only] with one solvent surety in the like amount.
- [c]** The applicant shall attend the Police Station once in a week, preferably on every Tuesday between 3.00 p.m., and 5.00 p.m. till the charge-sheet is filed.

Judge