

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.745 OF 2015

Yograj @ Yogesh S/o Dashrath Mahare

..vs..

State of Mah., thr PSO Police Station Saoli (Chandrapur)

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

Court's or Judge's Order

Shri , C.H. Jaltare, Counsel for the Applicant.
Shri V.A. Thakre, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 27, 2015.

Heard.

By the present application under Section 439 of the Code of Criminal Procedure, the applicant is seeking his enlargement on bail since the applicant is arrested in connection with Crime No.35 of 2015 registered with Police Station Saoli, District Chandrapur for the offences punishable under Sections 376(D), 506 of the Indian Penal Code and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.

The investigation is over and the charge sheet is already filed.

.....2/-

As per the FIR, which is lodged by the prosecutrix herself, the present applicant and other co-accused marched into her house when she was present along with her friend Mahesh. According to the prosecution case, Mahesh was forced and locked in a room and, thereafter, the present applicant and other co-accused has sexually assaulted the prosecutrix forcefully. That time, she raised hue and cry even that is corroborated by Mahesh. However, there are no statements of the neighbours who have heard hue and cry especially when the house is surrounded by the neighbours as can be seen from the spot punchnama. Further, the medical evidence shows that there are no signs of any injury or penetration to the private part of the prosecutrix. Her hymen is found to be intact. Further, the Doctor has opined that there is no penetration. However, when according to the prosecutrix she was assaulted by two persons, there should be at least some injury on the external part of her body. Doctor has noticed no such injury. Mahesh in his statement, after the incident was over, has stated that he was unlocked by the present applicant himself which appears to be improbable.

In view of aforesaid nature of accusations and since the charge sheet is filed, further custodial presence of the present applicant is not necessary. Hence, the

following order :

ORDER

1] The criminal application is allowed.

2] Applicant – Yograj @ Yogesh S/o Dashrath Mahare be released on bail in connection with Crime No.35 of 2015 registered with Police Station Saoli, District Chandrapur for the offences punishable under Sections 376(D), 506 of the Indian Penal Code and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012 on his executing Personal Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.

3] The applicant shall attend the concerned police station once a month and preferably on third Tuesday, till culmination of the trial.

4] The applicant is prohibited from extending any threat whatsoever in the nature to the prosecutrix or any of the prosecution witnesses.

.....4/-

5] Bail before the Trial Court.

With these directions and observations, the criminal application is allowed and disposed in aforesaid terms.

JUDGE

!! BRW !!

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