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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.6140 OF 2016

Yogendra s/o Devidas Chaudhari,
Age: 25 years, Occu: Labourer,
R/o Khaper, Taluka Akkalkuwa,
District Nandurbar ..APPLICANT

VERSUS

The State of Maharashtra
Through Police Inspector,
Akkalkuwa Police Station,
District Nandurbar ..RESPONDENT

Mr D. D. Chaudhari, Advocate for applicant;
Mr A. V. Deshmukh, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 22nd DECEMBER, 2016

ORAL ORDER :

The applicant, who has been arrested on 11th June, 2016, in connection with Crime No. 45 of 2016 registered with Akkalkuwa Police Station, District Nandurbar, for the offences punishable under Sections 376(1), 307, 504, 506 of the Indian Penal Code and under Sections 3(1)(xii) and 3(2)(5) of the Scheduled Castes and Scheduled Tribes

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(Prevention of Atrocities) Act, 1989, seeks his release on bail.

2. As per the first information report dated 11th June, 2016, the informant has stated that the applicant was residing in front of her house and had proposed to marry her. They had entered into a relationship for sometime. On 5th June, 2016, applicant approached her and had taken her to a place where some new construction was going on. As the informant refused yield to the wishes of the applicant, he had thrown her down in which she received injuries. She was thereafter taken for medical aid. The aforesaid report came to be lodged on 11th June, 2016.

3. It is submitted by the learned Counsel for the applicant that after completion of the investigation, chargesheet has now been filed. As per statements of the witnesses, it can be seen that the informant had fall from the top floor of the structure that was under construction. The

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applicant, who was on the ground floor had helped her and had taken her for medical aid. It is submitted that though the alleged incident is dated 5th June, 2016, the report has been filed belatedly on 11th June, 2016. On these facts, it is submitted that the applicant deserves to be enlarged on bail.

4. The application is opposed by the learned Addl. Public Prosecutor by relying upon the police papers. It is submitted that the statements recorded indicate that the applicant had falsely stated before doctor that the victim had been dashed by an Auto rickshaw. It is submitted that there was no reason to give any false report. Considering the relationship of the parties, the occurrence of the incident is probable and therefore, the application deserves to be rejected.

5. I have perused the first information report as well as chargesheet. The statement of one Vandana Naik indicates that the informant had fallen from the structure under construction and the applicant who was standing below had assisted

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her and had given her medical aid. Another statement is that of Nandkishor Bhat which is on the same lines. Though it is fact that as per statement of Dr. Majid, the applicant had stated that the informant had been dashed by Auto rickshaw, considering the statements of witnesses referred to earlier, I find that a case has been made by out by the applicant. Moreover, after completion of investigation, chargesheet has been filed.

6. In view of aforesaid, the following order is passed : -

(i) The applicant is directed to be released on bail in connection with Crime No. 45 of 2016 registered with Akkalkuwa Police Station, District Nandurbar, for the offences punishable under Sections 376(1), 307, 504, 506 of the Indian Penal Code and under Sections 3(1)(xii) and 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on furnishing P.R. bond of Rs.15,000/-, with one surety in the

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like amount.

(ii) The applicant shall not enter the village Khaper, Taluka Akkalkuwa, Dist. Nandurbar, where the informant resides, till completion of the trial.

(iii) The applicant shall co-operate with the Sessions Court in the progress of the trial.

(iv) The applicant shall not take any steps to influence the prosecution witnesses.

7. The observations made in this order are only for the purposes of deciding present application.

8. Criminal Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)