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

CRIMINAL APPLICATION NO.6268 OF 2016

Govind s/o Dilipsingh Tamchikar,
Age: 20 years, Occ: Labour,
R/o. Kanzar Bhat Vasti, Ghulewadi,
Tq. Sangamner, Dist. Ahmednagar. ..APPLICANT

VERSUS

The State of Maharashtra
Through the Police Inspector,
City Police Station, Sangamner,
Tq. Sangamner, Dist. Ahmednagar. ..RESPONDENT

Mr K.N. Shermale, Advocate for applicant;
Mr V.S. Badakh, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 13th DECEMBER, 2016

ORAL ORDER :

The applicant who has been arrested on 26th March, 2016 seeks his release in connection with Crime No. I-175 of 2016 registered at Sangamner City Police Station, Taluka Sangamner, District Ahmednagar for the offences punishable under Sections 376 and 506 of the Indian Penal Code.

(2)

2. As per the first information report dated 24th June, 2016, the informant has stated that on 16th June, 2016 at about 9-30 p.m. when the informant had gone to answer nature's call in the toilet, the applicant came there and had forcibly committed sexual intercourse. The informant was threatened not to inform anybody. Thereafter, again on 23rd June, 2016 at about 8-00 p.m. the applicant came to her place and threatened her. On that basis, the report came to be lodged on the next date.

3. It is submitted by learned Counsel for the applicant that the present report has been filed merely as an afterthought. Though alleged incident is stated to have occurred on 16th June, 2016, no report was lodged immediately. Only after discussing the matter with the relatives, the same was lodged after about eight days. It is submitted that as the charge sheet has now been filed and there is no sufficient material on record to justify the continuation of the applicant behind

(3)

bars, the applicant deserves to be released on bail.

4. The application is opposed by the learned Additional Public Prosecutor by relying upon the police papers. It is submitted that as per the statement of prosecutrix, the applicant had threatened her and had forcibly committed sexual intercourse. Considering the nature of offence, the application deserves to be rejected.

5. Perused the material on record as well as the charge sheet. As per the first information report, the first act of forceful intercourse had taken place on 16th June, 2016. The next incident of giving threats is dated 23rd June, 2016 at 8-00 p.m. However, as per the statement recorded under Section 164 of the Code of Criminal Procedure, the incident of giving threats is stated to have occurred in the afternoon of 23rd June, 2016. There is, thus, some inconsistency in the stand of the prosecutrix. Considering the fact that the

(4)

charge sheet has now been filed and the applicant is behind the bars for almost more than six months, I am inclined to allow the application.

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

: O R D E R :

(i) The applicant is directed to be released on bail in connection with Crime No. I-175 of 2016 registered at Sangamner City Police Station, Taluka Sangamner, District Ahmednagar for the offences punishable under Sections 376 and 506 of the Indian Penal Code, on furnishing P.R. bond of Rs.15,000/-, with one surety in the like amount.

(ii) The applicant shall attend the Court of learned Sessions Judge, Sangamner, District Ahmednagar on 23rd December, 2016 and thereafter as per directions of the learned Sessions Judge.

(5)

(iii) The applicant shall not take any steps to tamper with the prosecution witnesses.

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

8. Criminal Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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