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

CRIMINAL APPLICATION NO.6479 OF 2016

Sainath Ramesh Pawar,
Age: 27 years, Occu: Agri.,
R/o Kotul,
Tq. Akole, Dist. Ahmednagar ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr R. K. Temkar, Advocate for applicant;
Mr S.N. Morampalle, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 16th DECEMBER, 2016

ORAL ORDER :

The applicant, who has been arrested on 18th May, 2016 in connection with Crime No. I-61 of 2016 registered with Akole Police Station, Taluka Akole, District Ahmednagar, for the offences punishable under Sections 376, 504, 506 of the Indian Penal Code and under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 seeks his release on bail.

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2. As per F.I.R. dated 17th May, 2016, the prosecutrix has stated that on 14th May, 2016 at about 6.30 p.m., present applicant had forcibly taken her on the top of a hut and after tying her hands committed sexual intercourse with her. The informant was threatened not to state the incident to anybody. After informing the said incident to the mother of the informant, the aforesaid report came to be lodged.

3. It is submitted by the learned Counsel for the applicant that the applicant is falsely implicated in the offence. There are some disputes between two families. It is submitted that though it is the case of the prosecutrix that her hands were tied when the said act was committed, the piece of saree with which her hands were tied, was not seized on 18th May, 2016 on the spot. Same came to be produced by the prosecutrix after about six days thereafter. He submits that the medical evidence is also inconclusive and as the investigation is now complete and the chargesheet

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has been filed, the applicant deserves to be released on bail.

4. The application is opposed by the learned Addl. Public Prosecutor by relying upon the police papers. It is submitted that the statement of the prosecutrix and her mother clearly implicate the applicant. The medical report indicates that sexual intercourse has been committed and therefore, the applicant does not deserve to be released on bail.

5. I have perused the documents on record. AS per the F.I.R., the hands of the prosecutrix were tied with a piece of saree and after the act was committed the prosecutrix was freed by the applicant and was told to put her clothes. The spot panchnama was conducted on the next day. The same however indicates seizure only of clothes of the prosecutrix. The piece of saree which was alleged to have been used for tying her hands was subsequently produced by the prosecutrix after about seven days on 24th May, 2016. Her version

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indicates that she was freed on the spot itself by the applicant. The medical examination of the prosecutrix is inconclusive and no injuries are seen on her private parts.

6. Considering the aforesaid facts and as the chargesheet has been filed on 12th August, 2016, I find that the applicant has made out a case for his release on bail subject to imposing conditions.

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

(i) The applicant is directed to be released on bail in connection with Crime No. I-61 of 2016 registered with Akole Police Station, Taluka Akole, District Ahmednagar, for the offences punishable under Sections 376, 504, 506 of the Indian Penal Code and under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 on furnishing P.R. bond of Rs.15,000/-, with one surety in the like amount.

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(ii) The applicant shall not enter the limits of Akole Taluka, District Ahmednagar, till completion of the trial.

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

8. 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.)

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