

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 388 OF 2016

Mr. Jaivant Ramesh Jadhav

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. Prashant D. Patil, Advocate for the Applicant.

Mrs. R. M. Gadhvi, A.P.P. for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 09th JUNE, 2016

P.C. :

1 The Applicant/accused in Crime No. 129 of 2014 for the offences punishable under sections 376 (D) and 366 of Indian Penal Code read with section 3(1)(ii), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, by this application is praying for releasing him on bail during the pendency of the trial against him.

2 Heard the learned counsel appearing for Applicant/accused as well as the learned APP for the State. Learned counsel for the applicant, by taking me through the entire charge-sheet, contended that there is no iota of evidence against the present applicant and he is merely implicated in the crime in question on the basis of the suspicion.

3 As against this, learned APP for the State contended that the offence alleged is serious in nature, warranting severe punishment and, therefore, the applicant should not be released on bail during pendency of the trial.

4 On completion of investigation, chargesheet has already been filed against the present applicant as well as other accused persons. It is seen from the chargesheet that on 13.09.2014, during the patrolling, the police staff of Dindori Police Station heard some noise in the premises of the S.T.bus stand. When the police team went there, few persons ran away from the bus stand. A woman was found there in the necked condition. After providing clothing to that woman, she was taken to the police station where she lodged a report.

5 Report of the prosecutrix shows that she had a quarrel with her husband and, therefore, she left house of her husband situated at village Wani and went to Dindori, where she consumed liquor and slept at Indiranagar locality. On the next day, in the evening hours, she went to Dindori bus stand where one old person took her to the country liquor shop. After consuming liquor, the prosecutrix again went back to the said bus sand and slept there. According to the prosecution case, thereafter, the person who showed hospitality earlier by providing liquor to the prosecutrix came there accompanied by

four other accused. They took the prosecutrix forcibly behind the bus stand, where she was subjected to a gang rape. It is seen that during the course of investigation, the prosecution has conducted identification parade but the prosecutrix could not identify the present applicant. During the course of the investigation clothes of the present applicant came to be seized; however, nothing incriminating could be found on the clothes of the present applicant. C.A.report is not forthcoming. Apart from this, there is no other evidence.

6 Considering the nature of the evidence against the present applicant, as reflected from the chargesheet, though the offence lodged is serious as well as heinous, the applicant needs to be enlarged on bail and therefore, the following order :-

ORDER

- i. Bail Application is allowed.
- ii. The Applicant/ accused in Crime No. 129 of 2014 for the offences punishable under sections 376 (D) and 366 of Indian Penal Code read with section 3(1)(ii), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered with Dindori Police Station, Tal. Dindori, Dist. Nashik, be released on bail on

executing PR bond in the sum of Rs. 10,000/- and on furnishing surety in the like amount.

- iii. As a condition of this order, the Applicant should attend the trial on each and every day of hearing and should co-operate in expeditious disposal of the trial.
- iv. In addition, the Applicant/accused is directed that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade such person from disclosing such facts either to the Court or to any police officer and the applicant shall not tamper with the prosecution evidence in any manner.
- v. The applicant should not commit offence of similar nature in future.
- vi. This bail application is disposed of accordingly.

(A. M. BADAR, J.)

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