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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.573 OF 2016

Sunil Ramesh Pagar	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Ms. Shama Mullah i/by M/s Jay & Co. for the Applicant.
Mr. Deepak Thakery, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 12th JULY, 2016.

P.C. :

1. The applicant/accused, in Crime No.152 of 2015, for the offence punishable under Sections 376, 366, 504 and 506 of the Indian Penal Code and under Section 3(1)(xii) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, registered with police station, Chhavani Police Station, Malegaon, Nashik, by this application is seeking release on bail.
2. Heard the learned counsel for applicant/accused as well as the learned APP
3. Perused the chargesheet. The crime in question came to

registered on the basis of report lodged by prosecutrix on 17.9.2015. The prosecutrix as well as applicant/accused are resident of village Dabhadi and they were working with Gram Panchayat of the same village. The informant/prosecutrix reported that she is married woman having two sons, but applicant/accused used to rape her, by extending threats that in case of refusal on her part, he will malign her image in the village. The informant further averred that on 8.7.2015, she was abducted by the applicant/accused and he committed rape on her in a four wheeler vehicle. As per version of the informant when the informant was brought back to village, she disclosed villagers that the applicant had committed rape on her in the said vehicle. The F.I. R. reveals that the informant was then sent to Remand Home at Nashik and subsequently applicant/accused against insisted for sexual intercourse with her by abusing her and by hurling castiest remarks.

4. The perusal of the chargesheet shows that the Investigating Officer, has recorded statements of relatives of the informant, so also villagers. Those statements consistently show that there was love relations between the informant and applicant. Witnesses are further stating that the informant and applicant have developed physical intimacy. It is seen from chargesheet that the relatives of the informant by trapping her and applicant, brought them to the village in four wheeler vehicle on

8.7.2015. The statements of witnesses further show that at that time the informant declared before the villager and they too in presence of police that she has love relations with the present applicant. She did not file report and she was therefore, sent to Remand Home, by police.

5. Considering the nature of evidence against the present applicant/accused, his pre-trial detention is not warranted and therefore, following order.

Order

- I) Applicant arrested in connection with above crime, be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- and on his furnishing surety in the like amount.
- II) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.
- III) The applicant shall attend the trial scrupulously and shall co-operate the trial Court in expeditious disposal of the case.
- IV) The applicant shall not tamper with the prosecution evidence in any manner.

[A. M. BADAR, J.]