

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

CRI. BAIL APPLICATION NO. 676 OF 2016

Shri Sharad Chhagan Lonkar

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. M. K. Kocharekar, Advocate i/by Ganesh M. Mohite for the Applicant.

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

CORAM : A. M. BADAR, J.

DATE : 13th JULY, 2016

P.C. :

1 Heard the learned counsel appearing for the Applicant/accused. By taking me through the entire chargesheet, the learned counsel for the applicant/accused has submitted that role attributed to the applicant is only of visiting the house of the informant/prosecutrix and asking her as to whether her husband or anybody else is present in the house. Learned counsel further argued that the incident is a fallout of the alleged earlier incident and it is seen that the applicant is falsely implicated at the instance of the husband of the informant/prosecutrix.

2 Learned APP for the State has opposed the application by contending that the allegations against the present applicant are serious.

3 Perused the chargesheet. The informant / prosecutrix on 13.05.2015 reported that at about 7.30 p.m. one slim person came in her house and asked as to whether her husband-Valmik is present at the house and who-else is there in the house. The FIR further shows that after some time one fat person came in her house, hold her from behind and outraged her modesty apart from assaulting her.

4 On the very next day, in the supplementary statement the informant/prosecutrix identified the present applicant as the person who came to her house on first occasion in order to verify whether her husband or anybody else is present in the house. In her next supplementary statement recorded on 15.05.2015, the informant/prosecutrix alleged that the person who subsequently came to her house had raped her.

5 Prima facie, it is seen that the allegation against the present applicant is to the effect that he ascertained whether anybody else than the informant is present in her house and passed all this information to the co-accused.

6 Now the investigation is over and the chargesheet is filed. Considering the averments in the chargesheet against the present applicant, his pre-trial detention is not warranted and, therefore, the following order :

ORDER

- i. The application is allowed.
- ii. The applicant/accused in Crime No. I-64 of 2015 for the offences punishable under sections 376, 354 A(2), 452, 323, 506 read with section 34 of the Indian Penal Code and under section 3(1)(11)(12) read with 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered with Manmad Police Station, Manmad, Dist. Nashik, be released on bail on executing PR Bond in the sum of Rs. 10,000/- and on furnishing solvent surety in the like amount.
- iii. As a condition of this order, the Applicant should co-operate trial court 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 that applicant shall not tamper with the prosecution evidence in any manner.

- v. The applicant should not commit any offence of similar nature in future.
- vi. The bail application is disposed of accordingly.

(A. M. BADAR, J.)

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