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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1200 OF 2016

Nagraj Onkar Wagh	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Mr.Aniket U. Nikam for the applicant.

Mr.S.S.Pednekar, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 23RD JUNE, 2016

P.C. :-

1. The applicant / accused in Crime No.143/2015 for offences punishable under section 376(2)(h), 323, 506 of the Indian Penal Code registered with Nandgaon Police Station, Nashik by this application is seeking his release on bail.

2. Heard the learned counsel for the applicant. He argued that the incident in question is alleged to have happened on a rough surface of forest land. Medical report does not show any injury on any part of the body of the victim. He further argued that F.I.R. is lodged belatedly.

According to the learned counsel, there is no corroboration to the version of the prosecutrix and as such, pre-trial detention of the applicant / accused is not warranted.

3. As against this, the learned APP argued that the offence alleged against the present applicant is serious and no corroboration is required for the version of the prosecutrix of a sexual offence.

4. Now, investigation is over. The prosecutrix appears to be fully grown-up lady of 30 years of age, who was pregnant at the time of alleged incident. The version of the prosecutrix that she was sexually assaulted by the applicant / accused in the forest area where she has gone for grazing she-goats. The spot panchanama shows that incident happened Zamdari Shivar forest where the lot of shrubs were found. In her medical examination, no injuries were found. The Medical Officer has not given any opinion about forcible sexual intercourse with the prosecutrix.

5. Though the charge-sheet is filed, the trial will take its own time. The applicant / accused does not appear to have

any criminal antecedents nor there is possibility of his fleeing from justice. Hence his pre-trial detention is not warranted.

Hence the order :-

- (i) The applicant / accused in Crime No.143/2015 for offences punishable under section 376(2)(h), 323, 506 of the Indian Penal Code registered with Nandgaon Police Station, Nashik be released on bail on his executing P.R. Bond in the sum of Rs.10,000/- with a surety in the like amount;
- (ii) The applicant / accused 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 him from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence;
- (iii) The applicant / accused shall co-operate for expeditious disposal of the trial;

- (iv) The applicant / accused shall not commit an offence similar to the offence of which he is accused or suspected of commission;
- (v) The application is disposed of accordingly.

(A.M.BADAR, J.)