

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION [BA] NO.799 OF 2016

[Suresh s/o Mansaram Dakhne .vs. State of Maharashtra, through Police Station Officer, Police Station, Purada, District-Gadchiroli]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : S.B. SHUKRE, J.

DATED : OCTOBER 13, 2016.

Heard Shri S.V. Sirpurkar, learned counsel for the applicant and Shri T.A. Mirza, learned APP for the non-applicant-State.

The victim has alleged that in the evening on 24.1.2014 she was gang raped by three persons of whom two have been named by her in the specific manner and one has not been named, but has been described to be a person as belonging to Kalar caste and could be identified by her by face.

According to the prosecution, this third person not named in the F.I.R. is the present applicant. The perusal of the case diary, however, does not show in a reasonable manner the basis for making this applicant as an accused. The charge sheet has been filed, but the investigating officer has not thought it fit to hold an identification parade to enable the victim to identify the third person. Admittedly, there is no test identification parade in which this applicant was made to participate. The statement of the husband of the victim shows that he has named this applicant. However, his statement has been recorded on 29.1.2014 about four days after the arrest of the applicant. Even in

this statement, the husband of the victim reiterates what he was told about the incident by his wife. He states that he was informed by the victim that she did not know the name of the third person though she could identify him by face. One Janakram Hemraj Tikle, to whom the husband of the victim had met from whom help was sought by him in order to rescue his wife from the clutches of those three persons, says that he was informed by the husband of the victim that three persons including this applicant had caught hold of his wife. But, again his statement was recored on 31.1.2014. It is not known as to why the investigating officer has recorded the statements of these persons only after arrest of the applicant on 25.1.2014 and as to why no test identification parade was held. In these circumstances, I am of the view that no purpose would be served by keeping the applicant behind the bar for longer period of time. Hence the order.

The application is allowed and it is directed that the applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.50,000/- together with one solvent surety in the like sum on following conditions.

The applicant shall regularly attend the court proceedings on the date fixed in the matter, shall not tamper with prosecution witnesses and shall co-operate with the trial court for expeditious disposal of the case.

JUDGE

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

Uploaded by : A.S. Gulande, PA Uploaded on : 14.10.2016