

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

CRIMINAL APPLICATION (BA) NO.899 OF 2016
(Raju @ Rajendra s/o Shriram Nagolkar vs. State of Maharashtra)

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

Shri B.B. Pantawane, Advocate for applicant.
Shri A.M. Deshpande, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : DECEMBER 07, 2016

This is an application for bail in Crime No.112/2016 registered by Police Station, Channi, Tahsil Patur, District Akola for the offences punishable under Sections 307, 452, 354 and 294 of Indian Penal Code and Section 3(1)(w) and 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Shri Pantawane, learned Counsel for applicant, submits that investigation is complete and charge-sheet is filed and applicant is in custody since 5/5/2016 on the basis of false report lodged against him by prosecutrix Reshma. It is further submitted that since there is no purpose in keeping applicant behind bar, application may be allowed by imposing suitable conditions upon applicant.

Shri Deshpande, learned Additional Public Prosecutor for respondent, has opposed the application by contending that there is direct evidence against

applicant asking for sexual favour to complainant and on her refusing for the same, on the same day, within one hour thereafter, finding prosecutrix at the well, gave her kick blow though she was pregnant. It is, therefore, submitted that application be rejected as there are witnesses to the incident of applicant giving kick blow to Reshma.

Perused the documents made available, which reveal that on 5/5/2016 at about 5.30 p.m. applicant by entering into house of complainant, demanded sexual favour. Thus, it is the case of prosecution that applicant by demanding such favour had outraged modesty of complainant. Admittedly, it is not the case of complainant that applicant had committed any overt act except for catching her hand. Moreover, further case of prosecution is that on the same day, in the evening, applicant gave kick blow to prosecutrix while she was at the well situated in the locality though she was carrying pregnancy of seven months, due to which she sustained injuries to her knees.

Considering the case of prosecution as aforesaid, admittedly prosecutrix after being admitted in the Hospital was discharged on 17/5/2016, i.e. after about 10 days and also delivered a child. In that view of the matter and as charge-sheet is filed, application is liable to be allowed by imposing conditions as per order below :

The applicant be released on bail on his executing P.R. bond in in the sum of Rs.20,000/- with

one solvent surety in the like amount. While on bail, applicant shall not enter the territorial jurisdiction of village Gawandgaon, Taluq Patur, District Akola until further orders. Applicant shall mark his presence with Police Station within whose jurisdiction he would prefer to reside once in every month. Applicant shall furnish proof of his residential address to Investigating Officer and shall update the same in the event of any change therein.

The criminal application is accordingly allowed.

JUDGE

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