

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (BA) NO.922 OF 2015

(Sunil s/o Ganpat Kumbale ..vs.. The State of Maharashtra, through PSO Bhandara)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATED : 23-02-2016

None appeared for the applicant in the morning session. The matter was kept back.

In the afternoon session when the matter is called out again, none appeared for the applicant.

On 25-01-2016 the hearing of application was adjourned to 01-02-2016 at the request made on behalf of the advocate appearing for the applicant. On 01-02-2016 there was no appearance on behalf of the applicant. The reply is filed by the non-applicant on 18-01-2016.

Heard Shri A.K. Bangadkar, learned Additional Public Prosecutor for the non-applicant.

The applicant is arrested in Crime No.139/2015 registered by the non-applicant for the offences punishable under Sections 376(1), 450 and 506 of the Indian Penal Code and Section 4 of the Protection of

Children from Sexual Offences Act, 2012. In paragraph No.5 of the reply filed by the non-applicant, it is stated as follows :

“5. It is submitted that it was further revealed in the investigation that the present applicant is already married with two wives, namely, Gauri and Urmila and he is neighbour of complainant. The present applicant had committed forcible intercourse with the complainant looking to the absency of her parents on the day of incident. At the time of commission of offence, he has also extended threats to the complainant and illegally trespassed in the house and on the point of knife he threatened to the complainant and her brother Tushar and committed forcible sexual intercourse with complainant. The medical certificate of the complainant Ku. Premlata shows that she has sustained abrasion on mandible left side contusion on left arm anterior surface, left thigh anterior surface, knee Lat surface, right partial region, abrasion on left and right scapular region at back. The hymen of the victim was found torn and these injuries clearly show that the present applicant has committed forcible intercourse with the victim. Therefore, there is sufficient evidence against the present applicant which clearly shows that he is involved in such type of heinous offence.”

Considering the nature of allegations and the injuries sustained by the victim, the accusation of commission of forcible intercourse *prima facie* cannot be ruled out. Moreover, the applicant is residing in neighbourhood of the complainant and if he is released

on bail at this stage, it may have adverse effect. Therefore, I am not inclined to consider the prayer made in the application. The application is rejected.

JUDGE

pma