

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

CRIMINAL APPLICATION NO. 2526 OF 2017

Samadhan Nana @ Dinkar Patil ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. Girish V.Wani, advocate for the applicant

Mr. S.B.Joshi, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 28th JUNE, 2017

O R D E R :

Heard Mr. Wani, learned counsel for the applicant and Mr. Joshi, learned A.P.P. for respondent.

2. On 21.3.2017 the prosecutrix lodged complaint with Bhadgaon police station, Taluka Pachora, District Jalgaon alleging that on 11.1.2017 at about 2.00 p.m. when she was in her house, present applicant entered into her house, on which prosecutrix inquired with him as to why he came in the house. That time, the applicant caught hold her hands, pulled her sari and pressed her breast. He gave threats to the prosecutrix to

kill her and ran away from the spot.

3. The prosecutrix narrated the incident to neighbour Chandrakalabai Babu Patil and Vachhalabai Ramrao Patil. Then her in-laws came there in the evening and she disclosed the incident to them, however, to avoid defamation in the society they avoided to lodge the complaint.

4. Subsequently the statement of prosecutrix under Section 164 of the Criminal Procedure Code was recorded, in which, the prosecutrix, in addition to her first information report, disclosed that the present applicant committed rape on her. This statement came to be recorded on 3.4.2017.

5. From the record, it appears that there is delay of 69 days in filing the first information report. Prima facie, the explanation offered by the prosecutrix is not acceptable since the prosecutrix is married woman, her husband was in jail and she immediately disclosed the incident to the neighbours and in-laws. In such circumstances, it was expected from the

prosecutrix to narrate the incident to police. If she dared to disclose the incident to the neighbours and in-laws, then there was no reason for non-disclosure of the offence before the police.

6. Considering the above aspects, I am of the opinion that the applicant has made out a case to grant him pre-arrest bail.

7. The above said observations are made at a primary stage of litigation and it has no bearing at the time of conclusion of trial.

8. Hence following order.

(i) Criminal Application is allowed.

(ii) In the event of his arrest, applicant be released on bail in connection with Crime No. 44 of 2017, registered at Bhadgaon police station, District Jalgaon, on furnishing P.R. bond of Rs. 15,000/- with one surety in the like amount.

(iii) Applicant shall not tamper with the evidence of prosecution in any manner and shall cooperate in further investigation.

(iv) Applicant shall not enter the limits of
Bhadgaon Taluka till filing of charge sheet.

8. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm