

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2730 OF 2017

Baban Bhau @ Gahinaji Gunjal, Age **Applicant**
45 years, Occ. Agriculture, R/o.
Daithane Gunjal, Tq. Parner,
District Ahmednagar.

V E R S U S

The State of Maharashtra, Through **Respondent**
Police Inspector, Parner Police
Station, Tq. Parner Dist.
Ahmednagar.

Mr. R.R. Karpe, Advocate for the Applicant
Mr. S.B. Joshi, A.P.P. for the respondent/State

CORAM : K.L. WADANE, J.

DATE : 29th JUNE, 2017

ORDER :

1. Heard Mr. Karpe, learned counsel appearing for the applicant and Mr. Joshi, learned APP for the respondent-State.

2. At the time of the alleged incident prosecutrix was serving with Zilla Parishad at Shevgaon and her duty hours were from 9.45 a.m. to

5.45 p.m. The date of the alleged offence is 17.04.2017 at about 9.30 a.m. It is alleged by the prosecutrix that, the present applicant has outraged her modesty by pulling her from the bus at about 9.30 a.m. on 17.04.2017.

3. On the basis of the information, the offence is registered against the applicant at Crime No. 67/2017 with police station Parner District Ahmednagar for the offences punishable under section 354, 323, 504, 506 of the Indian Penal Code.

4. During the course of the arguments Mr. Karpe, learned counsel for the applicant submits that, the distance between two places i.e. place of incident and the place where the prosecutrix is working is approximately 145 k.m., and the learned APP also agrees that, the distance between the two places is approximately 145 k.m. From the muster-roll it appears that, the prosecutorx has signed the muster of 17.04.2017 and her office hours were from 9.45 a.m. to 5.45 p.m. In such circumstances, it is highly impossible for the prosecutrix to reach her office within a period of 15 minutes. The above

circumstances appearing from the record, creates doubt about the reliability of the statement of the prosecutrix.

5. I have perused police papers of investigation, from which, it appears that, the statement of material witnesses were recorded and almost investigation is over. In such circumstances, the custodial interrogation of the present applicant is not necessary. Hence, following order :

O R D E R.

1. Application is allowed.

2. Interim bail granted as per the order of this Court dated 16.06.2017 is hereby confirmed and made absolute.

3. Criminal application is disposed of.

(K.L. WADANE, J.)