

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 839 OF 2017**

Bapu Ratan Sonawane & Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Ms. Avanti Inamdar I/b Mr. R. N. Gite for the Applicants

Mr. Rajan Salvi, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 28th JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. I-77 of 2015 registered with the Wadner-Khakurdi Police Station, Malegaon, Nashik, for the alleged offences punishable under Sections 376(3), 506 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicants states that there is 14 days' delay in lodging the FIR. She submits that there is no medical evidence to show that the complainant was gang-raped.

4. Learned A.P.P opposed the application.

5. Perused the papers, in particular, the statement of the complainant/prosecutrix. According to the prosecutrix, on 28th July, 2015 at about 11:00 a.m., the applicants came to her residence and took her on their motorcycle, stating that they were taking her to meet her husband. She has alleged that about 12 noon, the applicant took her near one temple in a jungle, stopped the motorcycle, and took her near some trees. She has stated that although she tried to scream, since it was a jungle, nobody could hear her. She has stated that the applicants disrobed her and that each one of them sexually assaulted her, one after the other. She has further stated that after the incident, the applicants threatened her, not to disclose the incident or else, they would kill her. She has stated that thereafter, she went to her sister's house and informed her about the incident, who informed her husband, pursuant to which, the aforesaid complaint was lodged. *Prima facie*, the statement of the complainant/prosecutrix is sufficient to deny bail to the applicants. There appears to be no reason for the prosecutrix to falsely implicate the applicants.

6. Considering the aforesaid, this is not a fit case to enlarge the applicants on bail. The application is accordingly rejected.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.