

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1177 OF 2017**

Satyendrakumar Rajendraprasad Singh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Ramshankar Singh for the Applicant

Mr. S. S. Hulke, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 7th SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 486 of 2016 registered with the Valeev Police Station, for the alleged offences punishable under Sections 376(n), 450, 506 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the physical relations between the applicant and the prosecutrix were consensual. According to the learned Counsel for the applicant, there is also a

substantial delay in lodging of the FIR, inasmuch as, the FIR has been lodged after almost 7 days of the incident. He further submits that investigation is complete and charge-sheet is filed.

4. Learned A.P.P opposes the application. He submits that in the facts, the possibility of the applicant tampering with the witnesses, cannot be ruled out, more particularly, as the prosecutrix belongs to a lower strata of the society.

5. Perused the papers, in particular, the statement of the prosecutrix. According to the prosecutrix, aged 32 years, she was living with her husband and two children. She has stated that her husband was working as a porter and that their livelihood was dependent on the earnings made by her husband. She has stated that on 6th September, 2016, the applicant came outside their house and asked her husband, whether he was going for work, to which, her husband replied in the affirmative. She has stated that at about 5:00 a.m., after her husband left for work, the applicant came to the room, touched her inappropriately and sexually assaulted her. She has further stated that during the period 7th September, 2016 to 10th

September, 2016, when her husband had gone for work, the applicant would come to the room, threaten her, and would have forcible sexual intercourse with her, against her will. She has further stated that the applicant even threatened to kill her son. She has further stated that on 11th September, 2016, with the fear that the applicant would again sexually assault her, she accompanied her husband and later disclosed to him, about the sexual assault by the applicant. Pursuant thereto, the aforesaid complaint was lodged.

6. In the facts and also keeping in mind, the possibility of the applicant tampering with the witness, as the prosecutrix belongs to the poor strata of the society, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is 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.

REVATI MOHITE DERE, J.