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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL BAIL APPLICATION NO.1254 OF 2017

Khudasing Chagan Shinde

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.P.G.Sarda, for the Applicant.

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

P.N. - Mr.Sushant D. Shinde, Karmala Police Station, Solapur.

CORAM : REVATI MOHITE DERE, J.

DATE : 10th JULY, 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.16 of 2017 registered with the Karmala Police Station, Solapur Rural, for the alleged offences punishable under Sections 376, 452, 323, 324, 143, 504 and 506 of the Indian Penal Code.
3. Learned Counsel for the applicant states that the applicant has been falsely implicated in the said case. He submitted that according to

the complainant/prosecutrix, she was taken from her house to some other place, however, the same is belied from the history given by the complainant/prosecutrix, to the Medical Officer which is on page 59 of the application. He submitted that the applicant is about 20 years of age.

4. Learned APP opposed the application.

5. Perused the papers. According to the complainant/prosecutrix, the incident took place on 7th January, 2017 at about 8.00 p.m. The complainant/prosecutrix has alleged that the applicant and co-accused Dnyaneshwar Shinde, forcibly took her from her house on a motorcycle, to Hiware Village, in the field of one Vasant Kale and committed forcible sexual intercourse with her. She has alleged that thereafter, the other co-accused - Dnyaneshwar Shinde, also assaulted her with a knife on her thigh and waist and that some of the accused assaulted her with fist and kick blows. A perusal of the FIR shows that the complainant/prosecutrix, has named the applicant in the FIR and has clearly stated that the applicant had taken her forcibly from her house and had thereafter committed forcible sexual intercourse with her. Even according to the history given, which is

on page 59 of the application, the complainant/prosecutrix, has named the applicant. The injuries sustained by the complainant/prosecutrix, are (i) multiple abrasions present over anterior lateral aspect of neck (ii) sutured wound over lateral aspect of left thigh (iii) sutured wound i.e incised wound present over lateral aspect of left thigh. The injuries sustained by the complainant/prosecutrix, are consistent with the FIR.

6. Considering the nature of allegations, this is not a fit case to enlarge the applicant on bail.

7. Hence, the Application for bail is rejected and disposed of as such.

8. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application and that the learned Judge shall decide the case on its own merits uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)