

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

CRIMINAL BAIL APPLICATION NO. 1435 OF 2017

Yogesh Vasant Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Bhavesh Thakur i/b. Mr. Rahul Arote for the applicant.

Mr. V. V. Gangurde, APP for the respondent - State.

CORAM : PRAKASH D. NAIK, J.

DATE : 1st AUGUST, 2017

P.C. :

1. The applicant is seeking regular bail in connection with C.R. No.I-42 of 2017 registered with Thane Railway Police Station for the offences punishable under sections 376, 366, 341, 506 read with 37 of IPC. The FIR was lodged on 31st January, 2017. The applicant is arrested on 2nd February, 2017. On completing investigation, a chargesheet has been filed.

2. The prosecution case is that on 29th January, 2017 at about 4.30 pm., the complainant was standing at Airoli Railway Station. The applicant / accused caught hold of hand of complainant and took her to the hotel. She was compelled to drink liquor. Thereafter, she

was taken to another place, where the accused had forceful sexual intercourse with her. On the basis of complaint, the offence as stated above is registered against the applicant. On perusal of FIR, it appears that it is the case of the complainant that she was forced by applicant to accompany him and then she was taken to the hotel. The complainant is a married lady aged about 35 years. Nothing on record to indicate that she was forcefully dragged by applicant from railway station. She could have protested from accompanied applicant. It is pertinent to note that thereafter the complainant went to the hotel with the applicant and from there she travelled to another place where the incident of sexual assault had taken place. She accompanied applicant in auto-rickshaw. In these circumstances, prima facie, it appears it is difficult to accept the prosecution case that the applicant had forceful sexual intercourse with victim.

3. Learned APP submitted that CCTV footage is available from the camera installed at railway station as well as hotel which shows presence of the applicant at both places alongwith victim.

4. Taking the evidence as it is, the case for grant of bail is made out. The applicant is in custody since 2nd February, 2017. The investigation is completed and the chargesheet has been filed. Hence

I pass following order;

:: ORDER ::

- (i) Bail Application No.1435 of 2017 is allowed.
- (ii) The applicant is directed to be released on bail in connection with C.R. No.I-42 of 2017 registered with Thane Railway Police Station on furnishing P. R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only.) with one or more sureties in the like amount.
- (iii) The applicant shall attend Thane Railway Police Station once in a month on first Saturday between 11.00 am to 1.00 pm till further orders.
- (iv) The applicant shall not tamper with the evidence.
- (v) It is clarified that the observations made in this order are only for considering application for bail and the trial Court shall not be influenced by the same.
- (vi) Application stands disposed of.

[PRAKASH D. NAIK, J.]