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

CRIMINAL BAIL APPLICATION NO. 2192 OF 2016

Mahadu Kashiram @ Kashinath Kalat ...Applicant

vs

The State of Maharashtra ...Respondent

.....

Mr Samarth S Karmarkar for the Applicant

Ms Veera Shinde, APP for the Respondent

.....

**CORAM : SMT SADHANA S. JADHAV, J.
19 JANUARY, 2017**

P.C. :

Heard. This is an application seeking enlargement of bail. The applicant herein is arrested on 17.4.2015 in Crime No.90 of 2015 registered at Wada Police Station. The investigation is completed and charge-sheet is filed against the applicant for the offences punishable under Sections 376 and 506 of Indian Penal Code.

2 It is the case of the prosecution that on 16 April, 2016 Sita Ratan Lakhat lodged a report at the police station alleging therein that she is a mother of four children that is three daughters and one son Nitin. Accordingly, on 15 April, 2016 at about 3.00 p.m. she had been for collecting fuel-wood along with her son on the plot owned by her. She has sent her son home with the bundle of wood and had asked

him to send her husband. While she was working at the said plot, the applicant who is residing as her one door neighbor came from back, embraced her and ravished her. In the meanwhile her husband came to the spot. Upon seeing her husband, the applicant fled away from the spot and she has approached the police station on the next day.

3 In the course of investigation, Investigating Officer had recorded the statement of husband of the victim. He has disclosed to the police that on the day of incident that is 15 April, 2016 while taking fuel-wood his son had sustained abrasion, and therefore, he came home at about 4.00 p.m. and informed him that his mother had called him at the plot. Then the husband of the victim saw present applicant in the compromising position with his wife. Thereafter, the husband has gone to the house of applicant but could not meet him. On 16.04.2016 at about 9.00 a.m. he along with his brother and other relatives again been to the house of applicant but could not meet him. His wife had informed him that the applicant has gone to the forest on the earlier date.

4 Learned advocate for the applicant submits that the victim is 40 years old. She is mother of four children. There is rivalry between the families.

5 Learned APP submits that in the present case the husband who happens to be eye witness, and therefore, the applicant does not deserve to be enlarged on bail.

6 At this stage, learned counsel for the applicant submits that in fact the applicant and the victim are one door neighbor. The possibility of consensual sexual relation cannot be ruled out. Moreover, the husband of the applicant has not stated that the victim was raising any hue and cry.

7 According to the learned counsel for the applicant, only because husband had appeared on the scene, the victim has implicated the applicant.

8 Be that as it may, taking into consideration the papers of investigation, the submissions advanced across the Court is of the opinion that the applicant deserve to be enlarged on bail. Hence, the order.

ORDER

- (a) The application is allowed;
- (b) The Applicant be enlarged on bail on furnishing P.R. in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (c) The applicant shall not reside at Wada till conclusion of the trial.

(SMT SADHANA S. JADHAV, J.)