

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION No. 2288 OF 2016

Govind Devraj Sing	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Priyal G. Sarda, Advocate for the applicant.
Mr. Rajan Salvi, APP, for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **12th January, 2017.**

P.C.:

This Application is moved for bail under section 439 of Cr. P.C. The applicant/accused is facing charges under sections 376, 452 and 506 of Indian Penal Code in C.R. No. 142 of 2015 registered with Shikrapur Police Station, Pune. The incident of rape has taken place on 10th May, 2015 at around 3 p.m. when the lady was in her house.

2. The complainant was working as helper in one company at Jategaon Phata . The applicant/accused was working as supervisor in the company. On 10th May, 2015 she informed her husband in the morning that she would not be coming to the company, as she had abdominal pain due to monthly periods and so she took off. When she was sleeping in her house at about 3 p.m. applicant/accused knocked the door and asked her to give chapati as he was hungry. When she turned to bring chapati, applicant/accused bolted the door and raped her. In the evening when her

husband returned, she informed this incident to him. Her husband called his brother who was staying in the near village. On the next day, i.e., on 11th May, 2015 she went to the police station and gave complaint. Pursuant to the information, the offence was registered. The applicant/accused was taken in custody on 12th May, 2015. Hence, this Bail Application.

3. The learned counsel for the applicant/accused has submitted that it is a consensual sex. He referred to medical report of the complainant and submitted that the complainant had consumed alcohol at the time of incident. He submitted that no injury was found on her private parts. He submitted that the applicant/accused is innocent. He is inside the prison since last 20 months. He submitted that charge sheet is filed. He prays that the applicant be released on bail.

4. Learned APP opposed the Bail Application and relied on the complaint of the prosecutrix.

5. Perused the FIR. The prosecutrix has specifically taken the name of applicant/accused and has given the details of the incident. At the time of the incident, though the complainant was married, she was 18 years old. The medical report disclosed that the incident of sexual intercourse or

assault cannot be overruled. Considering the allegations made, I am not inclined to grant bail to the applicant/accused. Hence, Bail Application is dismissed.

(MRIDULA BHATKAR, J.)