

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRI. APPLICATION (BA) NO. 362 OF 2017**

(MAYUR S/ GANESH NEWARE AND ANOTHER...VS.. STATE OF MAH. THR. P.S.O. PS AMBAZARI,  
DIST.NAGPUR )

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Shri. S. N. Abhyankar, Advocate for Applicant.  
Shri. N. R. Patil, A.P.P. for Non-applicant.

**CORAM : Z.A.HAQ, J.**

**DATED : 21<sup>st</sup> JUNE, 2017.**

Heard.

The applicants are arrested on 17<sup>th</sup> August, 2016 in crime registered against them and five others for the offences punishable under Sections 376(G), 377, 363, 395 read with Section 34 of the Indian Penal Code and Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to the Investigating Agency, the victim was given some stupefying substance in water and then the crime is committed. However, the Chemical Analysis report (alcohol examination certificate) on record alongwith the application (at page No.208) prima facie does not support the claim of the Investigating Agency. The Forensic medical examination of the victim (at page No.70 of the paper book) also prima facie does not support the claim of the Investigating Agency regarding the commission of offence as alleged.

Co-accused Arvind is granted bail by the order passed by this Court in Criminal Application (BA) No.202 of 2017 on 6<sup>th</sup> April, 2017. The charge-sheet is filed on 14<sup>th</sup> November, 2016. The non-applicant has not been able to point out that the custody of the applicants is required for further investigation. The applicants have stated that they are not involved in any other crime/offence and this is not controverted by the non-applicant.

In the facts of the case, following order is passed :

The applicants having been arrested in Crime No.191 of 2016 registered by the non-applicant, they be released on bail on executing P. R. Bond of Rs.25,000/- each and on furnishing one solvent surety in the like amount for each of the applicant.

The application is **allowed** in the above terms.

**JUDGE**