

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

CRI. BAIL APPLICATION NO. 1756 OF 2018

Maruti Bapu Shinde

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. Vijay Garat, Advocate i/by Amol A. Shande for the Applicant.

Mr. S. H. Yadav, APP for the State.

API - Prakash Waghmare, Karmala Police Station, Solapur (Rural) is present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : SEPTEMBER 12, 2018.

PC :

1 This is an application under Section 439 of Criminal Procedure Code, filed by the aforesaid applicant, who has been arrested C.R. No. 06 of 2018, registered at Karmala Police Station, Solapur (Rural), for the offences punishable under Sections 376, 323, 504 and 506 of the Indian Penal Code.

2 Heard Mr. Vijay Garat, learned counsel for the applicant, Mr. Yadav, learned APP for the State. Perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3 The aforesaid crime was registered pursuant to the first information report lodged by the prosecutrix. The first information report reveals that on 03.01.2018 at about 5.30 pm, while the prosecutrix was returning home from her paddy-field, the applicant dragged her in the field and committed rape. She claims that she had sustained injuries on the back and hands. The medical report prima facie reveals that the prosecutrix had sustained contusion and abrasion on her body, thus, prima facie, supports the case of the prosecution.

4 The statement of Lalita and Bahe also, prima facie, reveals that on 03.01.2018 the applicant had told them that he had committed rape on the prosecutrix. They have further

stated that the applicant had apologized and had requested them to settle the matter. The statement of Vishnu Shinde also, prima facie, reveals that on the relevant day, he had seen the applicant running away from the field with clothes in his hands. He was chased by Devidas. When the witness went in the place of the incident, he saw the prosecutrix lying in the field. Her Saree was lying by her side. The prosecutrix was crying in pain. She had sustained injuries. The prosecutrix told him that the applicant had raped her.

5 The material on record, prima facie, indicates that the applicant had committed rape on the prosecutrix. The fact that the prosecutrix had lodged the FIR on the same day, prima facie, rules out the possibility of false implication. The offence is of serious nature. The evidence of the witnesses is not yet recorded. If released on bail, the possibility of the applicant exerting pressure on the prosecutrix and her family members and interfering with or influencing the witnesses, who reside in

the same locality, cannot be ruled out. Hence, releasing the applicant on bail at this stage, can hamper the trial.

6 Considering the above factors so also the gravity of the offence, in my considered view, this is not a fit case for grant of bail. Hence, the application is rejected.

(SMT.ANUJA PRABHUDESSAI, J.)

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