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

BAIL APPLICATION NO.1444 OF 2018

Hanmant Suresh Jadhav

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Satyavrat Joshi I/b N.J. Mohite for Applicant.

Ms. J.S. Lohokare, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 13th December 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 207 of 2017 dated 29.12.2017 registered with Aundh Police Station, District Pune under Sections 376(2)(l) of Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] The prosecutrix in the present case is a mentally retarded woman aged about 35 years. It is the prosecution case that, the applicant, maternal uncle of the prosecutrix by taking undue advantage of her mental condition, committed an act as contemplated under section 376 of Indian Penal Code.

4] The record indicates that, the clothes of the prosecutrix were seized by the police having stains on it. The report of Chemical Analyser do not support the said fact and it is stated that, no semen detected on exhibits in analysis by the Assistant Chemical Analyser. The report submitted by the Medical Officer, Rural Hospital, Aundh indicates that, no sexual assault had taken place on prosecutrix. The applicant in jail since 29.12.2017.

5] In view thereof, the applicant can be released on bail.

Hence the following Order:-

i] Applicant be released on bail in CR No. 207 of 2017 registered with Aundh Police Station, District Pune, on his furnishing PR bond of Rs.20,000/- with one or two solvent local sureties in the like amount.

ii] After his release from jail, the Applicant shall attend Aundh Police Station on every 1st Monday of the month between 10.00 a.m and 1.00 p.m till conclusion of trial.

iii] Applicant shall also attend all the dates before the Trial Court.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)