

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

BAIL APPLICATION NO.1753 OF 2018

Irfan Sattar Shaikh		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Ujwal R. Agandurve for the Applicant.
Mr. Y.Y. Dabke, APP for the State.

Coram : ***Smt. Sadhana S. Jadhav, J.***
Date : 2nd August, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned
APP.

2 This is an application under Section 439 Code of Criminal
Procedure. The applicant herein is arrested on 27th February 2018 in
Crime No.96 of 2018, registered at Valsang Police Station, Solapur, for the
offences punishable under Sections 376(D), 341, 394, 323, 504, 506 of
the Indian Penal Code. The investigation is completed and the charge-
sheet is filed on 24th May 2018.

3 It is the case of the prosecution that on 25th February 2018 Smt. Shivilila Rajshekhar Reure lodged a report at Valsang Police Station alleging therein that she was working with her husband at brick kiln. There used to be intermittent quarrels between husband and wife. That, on that day, she had informed the owner of the brick kiln Ravikiran Gadekar that her husband is quarrelling with her. He had assured her that he would pacify her husband. Thereafter, she had left the house at 7.00 p.m. and Ravikiran Gadekar had asked her not to leave the house and stay with her daughter since he was ready to pacify her husband. By then she had left the house. He had been to Samadhan Nagar to fetch the complainant. She had accompanied him on his motorcycle. On the way, they were stopped by three unknown persons who had followed them on a motorcycle. One of them had concealed his face. Thereafter, all the three persons had assaulted her. They had dragged her to an isolated place and had ravished her one after the other. They had snatched her cellphone and cash of Rs.4,500/- from her. They were speaking in Telugu and Marathi language. Thereafter, they had left their motorcycle on the spot and had fled away.

4 In the course of investigation, the supplementary statement of

the victim was recorded on 26th February 2018 in which she had candidly admitted that she is on friendly terms with Ravikiran Gadekar and when the three persons saw Ravikiran Gadekar coming to the spot alongwith other villagers, they had fled away.

5 The motorcycle on which they were travelling belongs to Prakash Nikambe whose statement was recorded on 27th February 2018. According to him, on 25th February 2018, his friend Imtiyaz Farid Shaikh had requested him to give him his motorcycle for some time. He had learnt that he alongwith the co-accused had ravished a woman on that day between 8.30 p.m. to 9.30 p.m.

6 It is pertinent to note that in the course of investigation, there is recovery from the co-accused. That while in custody, the name of the present applicant had surfaced and hence he was arrested. There is recovery at the instance of the present applicant on 6th March 2018. The applicant has committed a heinous crime.

7 The learned APP submits that the complainant has given description of all the three persons. Looking to the facts of the case and

role attributed to the present applicant, I am of the view that the application is sans merit. The application stands rejected and disposed of accordingly.

(*Smt. Sadhana S. Jadhav, J*)