

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2086 OF 2018**

Babu Govind Sakat

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Rupesh Atul Zade for the Applicant.

Mr. S.R.Agarkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : SEPTEMBER 27, 2018.**

P.C.

1. This is an application for bail under Section 439 Cr.P.C. filed by the aforesaid applicant, who is arrested in C.R.No.211 of 2018 by the Baramati City Police Station, for the offences under Section 376, 323 of a IPC.
2. Heard Mr. Zade, the learned Counsel for the applicant and Shri Agarkar, the learned APP for the State.
3. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.
4. The aforesaid crime was registered pursuant to the FIR lodged by the prosecutrix who was a 22 years old married lady. The FIR

prima facie reveals that on 2nd May, 2018 at about 7.30 p.m. when the prosecutrix had gone to fill water, the applicant herein offered her Thums Up. She stated that she drank the Thums Up and felt dizzy. Thereafter the applicant kept a napkin on her face and pushed her on a stone, due to which she sustained injury. Thereafter he lifted her and took her to a nearest nursery by the side of canal and raped her. She has stated that she remained in the said nursery till the next morning until her husband and her sister came in search of her and found her near the nursery, and took her home. She filed the FIR on the next day i.e. on 3rd May, 2018.

5. The prosecutrix was sent for medical examination. The medical report prima facie indicates that she had sustained injuries on her left cheek in the form of abrasion and there was also blackening over the cheek. The medical evidence also shows that there was mild swelling on the left ear. The medical evidence prima facie supports the case of the prosecutrix.

6. Furthermore, the statement of the husband of the prosecutrix also prima facie shows that the prosecutrix had gone to fetch water and that she had not returned home, and they had found her in the

next morning lying in the nursery near the canal. She had disclosed to them that the applicant had given to her laced drink , taken her to the nursery and committed rape on her.

7. The material on record thus prima facie shows the involvement of the applicant in commission of the crime. Furthermore, The prompt lodging of the FIR prima facie rules out the possibility of false implication of the applicant. The offence is of serious nature. The prosecutrix, the witnesses, as well as the applicant are the residents of the same locality. If the applicant is released on bail, there is every possibility of the applicant pressurizing the first informant and the witnesses. Hence, releasing the applicant on bail can hamper trial of the case.

8. Considering the above facts and circumstances, in my considered view, this is not a fit case for grant of bail. Hence, the application is dismissed. Suffice it to say that the observations made while disposing of this application should not be construed as expression on merits of the case.

**Prasanna
Pradeep
Salgaonkar**

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Prasanna Pradeep
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Date: 2018.10.03
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(ANUJA PRABHUDESSAI, J.)