

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.103/2018

Rajkumar Natthuji Bhaisare ..vs.. State of Maharashtra through PSO P.S.
Warora, Dist. Chandrapur.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mrs. D. I. Charlewar, Advocate for applicant.
Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 12, 2018

1. Heard Mrs. Charlewar, Advocate for applicant and Mr. Rode, A.P.P. for non applicant-State.

2. The applicant is arrested in connection with Crime No.1131/2017 registered with Police Station, Warora, Dist. Chandrapur an offence punishable under Sections 376, 450, 506 of the Indian Penal Code.

The investigation is already complete and the charge-sheet is also already filed.

3. According to the FIR, it is alleged by the victim herself that on the day of incident, the applicant made entry inside the house of the victim on the pretext that he has to check electric meter. According to the prosecution case, the present applicant shown a Pistol and thereafter asked the victim to remove her clothes and thereafter was committing sexual intercourse. It is further stated in the FIR that at that time, husband of victim came there and gave a call to the victim. With the result, the applicant started running outside the house. At that time, it was noticed that the pistol which was shown was not real pistol but it was a toy.

4. The victim is aged about 20 years. In view of the assertions in the FIR and when the investigation is already over, according to me, further custodial presence of the applicant is not necessary. Hence, flowing order is passed.

ORDER

- (i) Criminal Application No.103/2018 is allowed.
- (ii) The applicant-Rajkumar Natthuji Bhaisare be released on bail in connection with Crime No.1131/2017 registered with Police Station, Warora, Dist. Chandrapur an offence punishable under Sections 376, 450, 506 of the Indian Penal Code on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.
- (iii) The applicant shall attend Police Station, Warora once in a month till the culmination of the trial. He shall attend Police Station on last Saturday of every month and shall be with the investigating officer from 03.00 p.m. to 05.00 p.m.
- (iv) The applicant shall not try to pressurize the victim and also shall not extend any threats to the victim and the witnesses.
- (v) The observations made in the order are prima facie in nature and made only for the limited purpose of deciding the present application for bail. The learned trial Judge shall not get influenced by any of the observations made in this order.

The application is disposed of accordingly.

JUDGE