

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

Criminal Application [BA] No.182 of 2018

Suchit Ganesh Rathod

vs.

State of Maharashtra, through P.S.O. Bibi, District Buldhana

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.B. Mirza, Advocate for the Applicant.

Shri H.D. Dubey, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 20th MARCH, 2018.

Heard.

Perused the charge-sheet and the reply of the prosecution. On going through the statements of witnesses, I find that so far as this applicant is concerned, there is material inconsistency in them. The deceased had disclosed to her mother about forcible sexual intercourse committed with her by the co-accused of this applicant. But, the deceased did not state that even this applicant had committed forcible sexual intercourse with her. The cousin of the deceased, whose statement was recorded about 10 days after the incident, however, stated that she was informed by the deceased that even this applicant along with the co-accused had committed forcible sexual intercourse with the deceased. The cousin had returned home along with the deceased, but the cousin did not make any disclosure about what this applicant was stated

by the deceased to have done to her, though the deceased made a disclosure to her parents that only the co-accused of the applicant had misbehaved with her.

Charge-sheet has been filed. Considering the stage of trial and the nature of *prima facie* evidence available on record as against this applicant just discussed above, I am of the opinion that this applicant is now entitled to be released on bail.

The application is allowed and it is directed that the applicant be released on bail on his furnishing a P.R. Bond of Rs.50,000/- together with one solvent surety in the like sum on the following conditions :

- i. The applicant shall attend the concerned police station on every Sunday between 04:00 p.m. and 06:00 p.m. till conclusion of the trial.
- ii. The applicant shall co-operate with the trial Court in expeditious disposal of the case.
- iii. The applicant shall not tamper with the prosecution witnesses in any manner.

The application is disposed of in the above terms.

JUDGE