

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

Criminal Application [BA] No.312 of 2018

Rajat s/o Bhola Suryavanshi

vs.

State of Maharashtra, through P.S.O. Khaparkheda, Nagpur (Gramin)

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

Court's or Judge's Orders

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*Shri A.K. Bhangde, Advocate for the Applicant.
Ms. Ritu Kalia, A.P.P. for the Non-Applicant/State.*

CORAM : S.B. SHUKRE, J.
DATE : 10th APRIL, 2018.

Heard.

Perused the F.I.R. and the reply of the prosecution.

The incident occurred in the morning of 11/02/2018, but the report has been given in the evening of 24/02/2018. No, *prima facie*, satisfactory explanation for the delay is given. The allegation is that this applicant in the presence of mother-in-law, father-in-law and other relatives and before their very eyes committed rape upon the prosecutrix, who is the wife of the elder brother of this applicant. Such an allegation would require evaluation with greater caution as the principle of probability would come into play.

Presently, the applicant is residing at her parental place, which is Chhindwara.

This applicant is in jail since 24/02/2018. His custodial interrogation is no longer required. In the circumstances, I am of the view that this application can be allowed.

The application is allowed and it is directed that the applicant be released on bail on his furnishing a P.R. Bond in the sum of Rs.30,000/- together with one solvent surety in the like sum, on the following conditions:

- i. The applicant shall not enter the limits of village Walni, Tahsil Saoner, District Nagpur till the trial is concluded.
- ii. The applicant shall report to Police Station Khaparkheda on every Sunday between 05:00 p.m. and 06:00 p.m. till the conclusion of the trial.
- iii. The applicant shall not tamper with the prosecution witnesses, in any manner.
- iv. The applicant shall co-operate with the trial Court in expeditious disposal of the case.

The application is disposed of in the above terms. Hamdast is granted.

JUDGE