

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

CRIMINAL APPLICATION (BA) 628 OF 2018

(Jayesh s/o. Mohanrao Kale..vs.. The State, thr PSO, Benoda, Dist. Amravati)

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

Court's or Judge's orders.

Ms. Ankita Sarkar, counsel for applicant.
Mr. C.A. Lokhande, APP for non-applicant.

CORAM: ROHIT B. DEO, J.

DATE: 12 July, 2018.

Heard.

2 The applicant is in custody since 29.11.2017 in connection with Crime 216 of 2017 for offence punishable under section 376(D), 376, 354, 354(A), 326 read with section 34 of the Indian Penal Code.

3 It appears from the chargesheet that the prosecutrix has come out with three different and mutually inconsistent versions on three occasions. On 19.11.2017, the prosecutrix claimed that she fell down from an auto-rickshaw which was driven rashly and negligently. On the basis of the said statement, offence punishable under section 279, 337 and 338 of the Indian Penal Code and 187, 134(A) and 134(B) of the Motor Vehicles Act came to be registered against unknown persons. On 28.11.2017, the victim lodged a report alleging that the applicant and others outraged her modesty and assaulted her and on the basis of the said written report offence punishable under section 354, 354(A) and 326 read with section 34 of the Indian

Penal Code were additionally registered. Again, on 3.12.2017, the prosecutrix lodged report alleging the applicant blackmailed her and subjected her to forcible sexual intercourse. A co-accused is alleged to have also threatened the prosecutrix that the applicant is in possession of a video. The next allegation is that on 15.11.2017, she was subjected to rape by the applicant.

4 Having pursued the material on record, and in view of the three versions of the prosecutrix, which as observed earlier are mutually inconsistent and indeed irreconcilable, the application shall have to be allowed. The application is allowed.

5 The applicant is released on bail on furnishing a personal bond of Rs. 15,000/- with a solvent surety of the like amount.

6 The applicant shall not tamper with the evidence nor shall he directly or indirectly attempt to influence the witnesses in any manner.

7 The application is disposed of accordingly.

JUDGE

RSB