

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.691 OF 2019

1. Ujwala Mahindra Gaikwad,
2. Tirath Ramsingh Thakur ..Applicants.

V/s.

The State of Maharashtra ..Respondent.

Mr.Ghansham S.Jadhav for the applicants.

Smt.Rutuja Ambekar, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : MARCH 1, 2019

P.C.:-

Heard learned counsel for the applicants and learned APP for the State.

2. In crime No.1109/2018 for offence punishable under sections 376-D, 384, 143, 147, 148, 149 and 452 of the Indian Penal Code registered with Baramati City police station, District Pune, the applicants are seeking regular bail.

3. Having perused the investigation papers, what is noticed is, the allegations are not supported by the medical evidence.

4. The niece of applicant No.2 lodged a complaint on April 28, 2017 resulting into registration of crime no.285/2017 for offence punishable under sections 376, 506 read with 34 of the Indian Penal Code and sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO) Baramati City police station, District Pune and the son of the complainant is claimed to have obtained regular bail by mis-representation and proceedings for cancellation of his bail is pending before this Court.

5. The case of the complainant is of gang rape, which was committed at her residence in the presence of her husband. The investigating does not support the case of the complainant, including that of medical evidence. In the aforesaid background, a case for grant of bail is made out. Hence the order :-

i) The applicants be released on bail in Crime No.1109/2018 for offence punishable under sections 376-D, 384, 143, 147, 148, 149 and 452 of the Indian Penal Code registered with

Baramati City police station, District Pune upon furnishing P.R. bond of Rs.25,000/- each with one or more sureties each in the like amount;

- ii) The applicants shall not influence the prosecution witnesses or tamper with the evidence;
- iii) The application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)