

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 760 OF 2019**

Nagesh Narsappa Bhoi Alias Dhaanu	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Minakshi Mishra for the Applicant

Mr. A. R. Kapadnis, A.P.P for the Respondent-State

PI Mr. Sanjay Marathe from Dahisar Police Station, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 1st AUGUST 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 772 of 2018 registered with the Dahisar Police Station, for the alleged offences punishable under Sections 452 and 376 of the Indian Penal Code.

3 Learned counsel for the applicant submits that the applicant (brother-in-law of the prosecutrix) has been falsely implicated. She submits that no such incident as alleged has taken place.

4 Learned A.P.P opposed the application.

5 Perused the papers. According to the prosecutrix, aged 22 years, the applicant-her brother-in-law entered the house at about 12:45 a.m in the intervening night of 13th and 14th November 2018 and had forcible sexual intercourse with her. She has alleged that due to the said act, she had also sustained injuries on her person. She has further alleged that she tried to push the applicant and tried to scream, however, the applicant gagged her mouth and did not give her an opportunity to shout. The prosecutrix immediately disclosed the said incident to her aunt, pursuant to which, the complaint was lodged on the very same day i.e. on 14th November 2018. The statement of the prosecutrix is consistent with the history given to the doctor as well as medical history; scratch marks were also seen on her person. There are other witnesses i.e. applicant's friends, who were also with the applicant on that night, when the applicant went suddenly missing. The possibility of the applicant tampering with the witnesses also cannot be ruled out.

6 Considering the material on record, this is not a fit case to enlarge the applicant on bail. Accordingly the application is rejected. However, the trial is expedited.

7 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.