

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2799 OF 2019

Vesta Holiya Bhekare

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mrs.Vrishali R. Raje for the Applicant.

Mr.Y.M. Nakhwa, APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE, J.

DATE : 25th NOVEMBER 2019

P.C.

1. The applicant is seeking his enlargement on bail in Crime No.I-77 of 2019 registered with Talasari Police Station for the alleged offences punishable under Sections 376, 366 read with Section 34 of the Indian Penal Code.

2. Prosecutrix is 21 years old and married women. She alleged the applicant in the guise of offering a job, took her to in a hotel at Daman and sexually assaulted her. She reported this incident to her husband and thereafter report was lodged in the Police Station on 26th May 2019 at 19.00 hours. The co-accused is a rickshaw driver in whose rickshaw the present applicant and the

prosecutrix had traveled from Taluka-Talasari to Daman on 26th May 2019. The co-accused has been released on bail by the learned Sessions Judge.

3. I have perused the complaint, a statement of lodge owner and prosecutrix version before the Medical Officer who has examined her. There is not only a material contradiction in the complaint and statement before the medical officer but a different version has been narrated. The statement of the lodge owner does not even suggest, that prosecutrix was subjected to forcible sexual assault.

4. The investigation is over. The applicant's presence for the trial can be secured by imposing conditions. No criminal antecedents are pointed out against the applicant. It is submitted that the applicant is from State of Gujarat and secured his presence he may be directed to furnish local surety. In view of these facts the application is granted and directed to be released the applicant on bail and local sureties may be called for.

4. The application is allowed on the following terms and conditions:-

ORDER

(i) The applicant be enlarged on bail in Crime No.I-77 of 2019 registered with Talasari Police Station on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(ii) The applicant is directed to furnish address of residence and mobile contact number to the Investigating Officer within 7 days from his release from the jail;

(iii) The applicant shall report to the concerned Police Station once in a month on first Monday of each month between 10.00 to 1.00 p.m. till the charge is framed.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any other person concerned with the case;

5. The application is accordingly disposed of.

6. 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.

(SANDEEP K. SHINDE, J.)