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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3364 OF 2018

Nitin Avinash Netake

..Applicant.

V/s.

State of Maharashtra

..Respondent.

Mr.Shirodkar Ateet for the applicant.

Mr.A.A.Palkar, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 13, 2019

P.C.:-

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

2. The applicant is arrested on December 6, 2018 in crime No.82/2018 for offence punishable under sections 376(2)(e) and 509 of the Indian Penal Code registered with Nagothane police station, District Raigad, the applicant is seeking regular bail.

3. The allegations against the applicant are that he is doctor, working as a public servant and posted in Primary Health

Centre. The case of the prosecution against the applicant is, the complainant, aged about 50 years, was called by the applicant at his residence and committed sexual offence.

4. Perused the entire case diary, including the statements of the wife of the applicant.

5. None of the prosecution witnesses have supported the case of the prosecution. Rather, reading of the statements *prima facie* depicts that the applicant is falsely implicated in the crime in question.

6. Statements of the wife of the applicant, who was present at the house where the alleged offence took place and the ward boy, who was also working in the hospital, sisters and other staff in categorical terms have not supported the case of the prosecution. *Prima facie*, it appears to be a case of false implication of the applicant. That being so, the applicant, a public servant can be released on bail. Hence the order :-

- i) The applicant be released on bail in Crime No.82/2018 for offence punishable under sections 376(2)(e) and 509 of the Indian Penal Code registered with Nagothane police station, District Raigad upon furnishing P.R. bond of Rs.10,000/-

with one or more sureties in the like amount;

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

(NITIN W. SAMBRE, J.)