

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Criminal Application (BA) No.417 of 2019
(Amit Ravindra Meshram & Jeetendra Shamrao Lanjewar .vs. State of
Maharashtra through PSO PS Duggipar, District Gondia.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. Shashikant Borkar, Advocate for Applicants
Mr. N.R. Rode, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : July 22, 2019.

The applicants herein have approached this Court for grant of bail as they stood arrested on 20.12.2018 in connection with FIR registered on the same day for alleged offences under Sections 376-D, 392, 506(B) read with 34 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The allegation, as per the complainant victim, against the applicants is that when an altercation took place between her maternal uncle and the family members/relatives of the applicants on question of applicant no.2 having given a call on the mobile phone of the complainant, the applicants took the complainant in the backyard of her house and committed the act of forcible sexual intercourse leading to registration of the FIR.

3. It is pointed out that the investigation was completed and charge-sheet was filed on 14.02.2019. The learned counsel for the applicants has invited

attention of this Court to the medical examination report of the victim which was conducted about 15 hours from the time when the incident took place. It is pointed out that the manner in which the incident was described by the complainant, would indicate that she would have suffered some injury during the incident when she was allegedly subjected to forcible sexual intercourse by the applicants in her backyard. The medical report on record shows that not a single injury was found on the body of the victim. On this basis, it was submitted that the applicants were being falsely implicated.

4. Although the learned APP has opposed grant of bail in the present case, pointing out that serious offences are alleged against the applicants, this Court is of the opinion that the material presently on record indicates that if the incident did happen in the manner in which it was described by the complainant, there should have been some injury on the body of the victim. The vaginal swab sent for chemical analysis is yet to result in any report against the applicants herein. Considering these circumstances, this Court is of the opinion that the present application deserves to be allowed.

5. Accordingly, the present application is allowed and the applicants are directed to be released on bail on the following conditions:-

- a) The applicants shall furnish P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand) each and a surety in the like amount.
- b) The applicants shall not enter the jurisdiction of Police Station Duggipar, district Gondia, during the

pendency of the trial.

c) The applicants shall attend the proceedings before the trial Court on each and every date.

d) The applicants shall not influence witnesses.

6. Needless to say, in case the applicants violate any of the conditions noted above, the bail granted to them will be liable to be cancelled. It is clarified that the observations made in this order are limited to the question of grant of bail to the applicants.

JUDGE

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