

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

Criminal Application (BA) No. 519 of 2019

Mohd. Shoeb

Vs.

State Through P.S. Yashodhara Nagar, Nagpur City

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

Court's or Judge's orders

Mr. M.S. Wakil, Advocate for applicant.
Mr. V.P. Maldhure, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 09, 2019

The applicant has approached this Court seeking bail as he stood arrested on 17/03/2018, in connection with FIR registered on the same day for offences under Sections 376(d), 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012. The allegation is that the applicant alongwith co-accused person had picked up the complainant from a public place and having taken her to another place, they sexually assaulted her. According to the complainant, she was repeatedly subjected to forcible sexual intercourse by the accused persons and thereafter she had escaped the place without any clothes on her person and after she was helped by some persons and she was given clothes, she settled down and approached the police with her complaint. The applicant and the co-accused persons

were arrested on the date on which the FIR was registered.

2. It is pointed out by the learned counsel for the applicant that in the oral report submitted by the complainant, she stated that she was sexually assaulted twice while in the medical history which was recorded at the time of her medical examination, the complainant stated that she was subjected to such act 4 – 5 times. According to the learned counsel for the applicant, this is a discrepancy. It is further claimed that the applicant had been admitted to Mental Hospital which indicated that she was unstable and therefore the allegations ought not to be taken seriously.

3. The learned APP has pointed out that she was admitted to Mental Hospital after the trauma of the incident.

4. Looking to the heinous nature of the crime and the role attributed to the applicant, no case is made out.

5. Hence, the application is dismissed.

JUDGE