

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

BAIL APPLICATION NO.1110 OF 2019

Ravindra Nareshkumar Singh	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Mr.Satyam H. Nimbalkar, Advocate for the Applicant.
Mr.S.S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 09, 2020.

P.C. :

The applicant is seeking bail in connection with C.R.No.353 of 2018, registered with Khadki Police Station, Pune, for the offence punishable under Sections 376(2)(e), 376(2)(i), 376(2)(n), 354-A read with 34 of Indian Penal Code (“IPC”, for short).

2 The applicant was arrested on 9th December, 2018. The victim had alleged that she is deaf and dumb. She was working as a Ward Assistant with Millitary Hospital, Range Hills, Khadki, Pune. Her statement was recorded through interpreter. The hospital had three shifts for working and the shifts were

changing periodically. After joining the Military Hospital, about 6 to 7 months thereafter, she was assigned duty at old family ward no.2 in January 2015. It is alleged that the accused Harun Rashid had dragged her into the bathroom and raped her. She informed the incident to another person. The said person gave mobile number of one person. She sent text message on the said mobile. Subsequently, Harun Rashid and Mohammad Muthasim to whom she had informed about the incident met her. They precluded her from lodging any complaint. She was threatened. Mohammad Muthasim also subjected her to sexual assault and threatened her. Six months thereafter, somewhere in June 2015, she was assigned duty at ICU JRC Ward. Accused Ravindra Singh (Applicant) was working in the said Ward. The said accused touched her inappropriately and told her that he had her photographs and evidence and he would show the same to her husband and other persons and subjected her to sexual assault. Continuously for 15 days the accused threatened her and sexually assaulted her. Subsequently, she was posted in Pediatric ward. In the said Ward, another person used to touch her inappropriately and outraged her modesty. She complained to the Senior Registrar. FIR was lodged on 16th October, 2018. The incident attributed to the applicant had occurred in June 2015 in ICU JRC

Ward. The statements of witnesses were recorded. Statement of victim was also recorded under Section 164 of Cr.P.C. On 15th November, 2018. On completing investigation, charge - sheet is filed.

3 Learned advocate for the applicant submitted that the complaint is false. As alleged in the FIR, the incident had occurred in June 2015. However, the FIR was lodged on 16th October, 2018. The version of the complainant is doubtful since she has alleged that she was subjected to sexual assault continuously for 15 days. The alleged incident had occurred in ICU Ward, which is difficult as the hospital is always crowded. The text messages between both would show that the applicant and the complainant were close friends. The applicant was not posted in a Ward where the alleged incident had occurred. The applicant was posted at relevant time with Military Hospital Kirkiee from 3rd July, 2016 to February 2017. He was posted to the said hospital as trainee. He was not posted with the hospital during the period of 1st January, 2015 to 31st August, 2015. The co-accused Harun Rashid was granted anticipatory bail by this Court vide order dated 11th June, 2019.

4 Learned APP submitted that the victim was subjected to sexual assault continuously for a period of 15 days by the applicant. Supplementary statement of the victim was recorded in which she has stated that the applicant had sexually assaulted her in 2016 and not in 2015. The said statement was recorded on 24th December, 2018. It is submitted that the victim was threatened by the applicant with her photographs and text messages.

5 I have perused the documents on record. The alleged incident subjecting the victim to sexual assault by the applicant had occurred in June 2015. The said version is recorded in the FIR lodged on 16th October, 2018. FIR was lodged after a period of three years. By letter dated 18th October, 2016, forwarded by Senior Registrar and O.C.Troops attached to Military Hospital Kirkee, to Police Inspector Khadki Police Station, Pune, mentions that the applicant was not posted in the said hospital during the period from 1st January, 2015 to 31st August, 2015. He was posted with effect from 3rd April, 2016, as a trainee. Thereafter, the victim had changed her statement after a long period and in pursuant to receipt of the aforesaid letter, on 24th December, 2018, alleging that the applicant had subjected her to sexual

assault in 2016. The month in which the incident had occurred has not been stated. The co-accused Harun Rashid was granted anticipatory bail by this Court. It was observed that he was posted in Manipur and Assam in January 2015 and he joined his duty at the concerned hospital where the alleged incident had occurred in August 2015, and, hence, the said accused could not have subjected victim to sexual assault in June 2015. In supplementary statement referred to hereinabove, the victim had changed her version in respect to the said accused by stating that the accused Harun had subjected her to sexual assault in 2015. In these circumstances, the version of the victim creates doubt about its veracity. The investigation is completed and charge-sheet is filed. The applicant is in custody since the date of arrest. Hence, case for grant of bail is made out.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.1110 of 2019, is allowed;
- (ii) The Applicant is directed to be released on bail
in connection with C.R.No.353 of 2018,

registered with Khadki Police Station, Pune, on his executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

- (ii) Applicant shall report concerned Police Station once in a month on first Saturday of every month, between 10:00 a.m. to 12:00 noon, till further order;
- (iii) Applicant shall furnish the details about his place of residence to the Investigating Officer, after he is released on bail;
- (iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)