

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

CRIMINAL BAIL APPLICATION NO.2938 OF 2019

Bajirao Rama Narale ... Applicant

Versus

The State of Maharashtra ... Respondent

.....

Mr. Rajaram V. Bansode, Advocate for the Applicant.
Mr. A. R. Kapadnis, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.
DATE : 21st DECEMBER, 2020.

PER COURT:

1. This is an application for bail in CR No.65 of 2018 registered with Mhaswad Police Station, District Satara under Sections 376(2)(1), 201, 176, 212 r/w 34 of IPC as well as Sections 3 and 4 of POCSO Act. The applicant was arrested on 7th June, 2018.

2. The aforesaid crime was registered pursuant to the first information report lodged by the father of victim girl. The first informant had alleged that on 1st June 2018 at about 7.30 pm, while he was sitting near the gym, he saw a car near the village crematorium. He heard small girls crying and hence he proceeded towards the said car. He saw his wife Varsha, her cousin Bajirao, aunt Gokulabai, in the said car, unknown person was driving car. As

soon as his wife saw him, she dropped minor daughters aged 6 and 5, at the spot and went away with the third minor daughter. His six year old daughter was lying on the ground and was in pain. The informant took his daughters home. It was noticed that the victim daughter had pain in her private part. He suspected that the girl was sexually abused. She was taken to hospital. It was suspected that Bajirao in connivance with other accused had committed rape on victim. He, therefore, lodged the first information report against Bajirao for committing rape on his minor daughter with the help of his wife (applicant) and co-accused Gokulabai. Investigation is completed and charge sheet is filed.

3. Gokulabai was granted bail this Court vide order dated 5th October, 2018. Varsha Dwarkeshwar Narale was granted bail by this Court vide order dated 8th November, 2019 passed in Criminal Bail Application No. 1002 of 2019.

4. Learned advocate for the applicant submit that, false case is registered against accused. Medical evidence shows that there is no sexual assault as alleged by prosecution. No specific role is attributed to applicant. Other accused are granted bail by this Court. Since last two and half the applicant is in custody. There is dispute between complainant and his wife who has been implicated in this

case.

5. Learned APP submits that the statement of the victim would required to be looked into. She has attributed specific role to the applicant. The statement of the victim and other minor child supports prosecution case.

6. While granting bail to the co-accused it was observed that the medical report indicates that there were no injuries on genitals of victim. Medical certificate does not support prosecution. There is matrimonial dispute between informant and co-accused. Varsha Navale. The history provided by informant while medical examination of victim is that, his wife has eloped from house with applicant on 16th May, 2018. She was brought by police on 19th May, 2018. She again eloped with children. Medical case paper mention that there is no evidence of vaginal penetration. No fresh injury. The applicant is in jail for Two and half year. Case for grant of bail is made out. Hence, I pass the following order:

ORDER

- i) Bail Application No.2938 of 2019 is allowed.
- ii) The applicant is directed to be released on bail in connection with CR No.65 of 2018 registered with Mhaswad Police Station, District Satara on executing P.R. bond in the sum of Rs. 25,000/- with one or more sureties

in the like amount.

iii) The applicant shall report concerned Police Station, once in a month on first Saturday of the month between 11.00 a.m. to 1.00 p.m. till further order.

iv) The Applicant shall not approach the victim and shall not tamper with the evidence in any manner;

v) Application stands disposed of accordingly.

7. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)