

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

CRIMINAL BAIL APPLICATION NO. 3400 OF 2019

Amar Bharat Nimbalkar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Sandeep S. Salunke, Advocate for the Applicant.
Mr. S.S. Pednekar, APP for Respondent-State.

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CORAM : SANDEEP . K. SHINDE, J.

DATE : 12th MARCH, 2020.

P.C.

Heard.

1. Applicant seeks his enlargement on bail in connection with Crime No.1037 of 2019 registered with Pandharpur City Police Station for the alleged offences punishable under Section 376 of the Indian Penal Code, 1860 ("IPC" for short).

2. The victim is 21 years old, though she had

alleged that the applicant had dragged her and committed sexual intercourse against her wish and without consent, prima facie, the evidence does not support her version. The medical officer attached to Sub-District Hospital, Pandharpur stated that he cannot opine whether the victim was subjected to sexual assault or not. Additionally no injuries on the person of the victim were noted by the medical officer. It cannot be overlooked that victim is 21 years old and if at all she was dragged and forced to submit to the sexual desires of the applicant as alleged, in normal course she would have sustained some injuries.

3. The investigation in the case is over and the presence of the applicant for the trial can be secured by imposing conditions.

4. In view of the facts of the case, the application is allowed and the applicant is directed to be released on bail on the following conditions.

ORDER

(i) The applicant is directed to be released on bail on executing P.R. Bond for the sum of Rs.25,000/- with one or more sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer twice in a month i.e. 2nd and 4th Monday of each month commencing from April, 2020 between 11 am. to 01 pm. till the charge is framed;

(iii) The applicant shall not live in the jurisdiction of the concerned police station in which the victim resides till the charge is framed;

(iv) The applicant shall furnish the particulars of his residential address as well as permanent address and contact details to the investigating officer within seven days from the date of his release on bail;

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

5. The application is allowed in the aforesaid terms and disposed off.

6. It is made clear that observations made hereinabove shall be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP. K. SHINDE, J.)_