

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (BA) NO.110 OF 2020

(Pankaj @ Rahul s/o Annaji Gavai ..vs.. State of Maharashtra, through PSO, PS Gadge Nagar,
Amravati)

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

Court's or Judge's orders

Shri P.R. Agrawal, Counsel for the applicant,
Shri S.M. Ghodeswar, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 04-03-2020

The applicant is in custody since 20-8-2019 in connection with Crime 816/2019 registered at Gadge Nagar Police Station, Amravati for offences punishable under Sections 376(2)(h),(i),(g), 376-D, 366 and 506 read with Section 34 of the Indian Penal Code.

2. The prosecutrix alleges that two persons took turns to subject her forcible sexual intercourse. The co-accused is released on bail.

3. Perusal of the medical examination report, *prima facie*, shows that the prosecutrix neither suffered any injury nor was there any evidence of recent sexual intercourse.

4. The only material against the present applicant appears to be the test identification parade conducted approximately a month after the date of the arrest. Shri

P.R. Agrawal, learned Counsel for the applicant has severely criticized the manner in which the test identification parade is conducted. I would refrain from making any definite observation on the said submission.

5. Considering the material on record, the fact that the applicant has no criminal antecedent and that the applicant is not likely to be unavailable for trial, the application is allowed.

6. The applicant shall be released on bail on furnishing personal bond of Rs.20,000/- with a solvent surety of like amount.

7. The applicant shall report at Gadge Nagar Police Station, Amravati on the first Monday of every month till the conclusion of the trial.

JUDGE

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