

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

Criminal Application (BA) No. 139 of 2020

*[Gopal Mohanlal Dahiya Vs. The State of Maharashtra through P.S.O., P. S. Channi, Tq. Patur,
Dist. Akola]*

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A. G. Hunge, Advocate for the applicant
Shri N. R. Rode, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 10/08/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri Hunge for the applicant. He has submitted that the complainant was having illicit relations with 2-3 persons and the applicant was one of them. Due to dispute between them, the complainant lodged false report against the applicant making allegations about sexual intercourse with her minor daughter. He has submitted that the medical report does not show specific finding about the sexual intercourse, therefore, prayed to grant bail to the applicant.

3. Shri Rode, learned Additional Public Prosecutor has strongly objected the application.

4. Perused the report. From the perusal of report, it appears that the complainant was married with Vishnu

Ekghare. She cohabited with him for about 5-6 years. Thereafter she started cohabiting with Suganchand Jadhav and resided with him for about 5-6 years as her wife. She left him and thereafter started residing with one Jagdish Chavan. She left Jagdish Chavan and started residing with her parents. It appears that the applicant visited to her house frequently. He had love affair with the complainant. It is alleged in the report that the applicant in her absence did sexual intercourse with her minor daughter, aged about 13 years. However, medical report does not show specific finding about the sexual intercourse. Looking to the contents of report, the application is allowed.

5. The applicant be released on bail on executing PR Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of like amount on condition that the applicant shall not tamper the evidence of prosecution witnesses.

6. The application is disposed of.

7. This order be communicated to the Counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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