

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

CRIMINAL BAIL APPLICATION (BA) 148 OF 2020

(Syed Akil Syed Habib..vs.. State, thr PSO, PS Karanja City, Washim)

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

Court's or Judge's orders.

Shri M.N. Ali, counsel for applicant.
Smt. S.S. Jachak, APP for non-applicant.

CORAM: ROHIT B. DEO, J.
DATE:09.09.2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The applicant is in custody since 3.7.2019 in connection with Crime 278/2020 registered with Karanja City Police Station for offence punishable under sections 366, 376(D) of the Indian Penal Code.

3. Shri M.N. Ali, the learned counsel has invited my attention to the First Information Report, the statement recorded under section 164 of the Criminal Procedure Code and the Medico Legal Certificate report to contend that the version of the prosecutrix that she was forcibly raped twice by the applicant and thrice by the co-accused is rendered doubtful in view of the *inter se* inconsistencies between the statements and the medical examination report which records only a minor injury i.e. one abrasion on the ankle.

The further submission is that the applicant has no criminal antecedent.

4. The application is opposed by the learned APP Smt. S.S. Jachak who points out that there is a categorical allegation against the applicant particularly in the supplementary statement recorded on 10.7.2019.

5. It would not be necessary and indeed it would not be desirable to minutely examine the material on record. However, in view of the broad probabilities as are discernible from the material on record, the accused is entitled to bail, in view of the variances in the statements and the Medico Legal Certificate report.

6. The applicant shall be released on furnishing P.R. Bond of ₹ 25,000/- with a surety of like amount. Considering the prevailing situation, the surety may be furnished within four weeks of the bail.

7. The applicant shall attend the Karanja City Police Station as and when directed by the Investigating Officer and shall cooperate with the Investigating Officer.

8. The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the investigation.

9. The applicant shall not enter the territorial limits

of Karanja City since the prosecutrix is a resident of the said town.

10. The applicant shall not leave the country without the permission of the trial Court.

Judge

Belkhede RS