

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

CRIMINAL APPLICATION (BA) NO.155 OF 2020

(Yogilal Tilakchand Rahangdale Vs. The State of Maharashtra thr. PSO Ps Pardi, Dist.
Nagpur)

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

Court's or Judge's orders.

Shri G.B. Hemke, Advocate for Applicant.
Shri M.J. Khan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 16th MARCH, 2020.

The applicant, who is in custody since 25.01.2020 in connection with Crime 28/2020 registered with the Pardi Police Station, Nagpur for offence punishable under Section 376-C(a) and 328 of the Indian Penal Code, is seeking enlargement on bail.

2] The alleged incident occurred in the night intervening 20.01.2020 and 21.01.2020. However, the report is lodged on 24.01.2020 and the prosecutrix is medically examined on 25.01.2020.

3] If the report dated 24.01.2020 is perused, the accusation is that the applicant was immobilized/smothered with the help of a cushion, her clothes were removed and a steel rod was inserted in the vagina. The accusation is that the present applicant kept on manipulating the vagina with the steel rod and that the prosecutrix could not resist since she was not feeling well. The other accusation is that the applicant then removed the cushion from the mouth of the prosecutrix and then made her unconscious with the aid of

handkerchief which had strong pungent odor.

4] The material in the charge-sheet would reveal that no injury whatsoever was noticed in the medical examination either on the person of the prosecutrix or to the private part. The hymen was old torn and healed. The Investigating Officer has not recovered either the steel rod nor the handkerchief. Further, the material in the charge-sheet would show that on the date of the alleged incident that there was a physical altercation between one Ganesh, who is the cousin of the prosecutrix and the present applicant in which the present applicant suffered head injury.

5] Considering the MLC which *prima facie* appears to be inconsistent with the version of the prosecutrix, and the fact that other than the uncorroborated version of the prosecutrix, at this stage, there does not appear to be any other material to connect the applicant with the alleged crime, I am inclined to release the applicant on bail.

[6] The applicant 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 Police Station Pardi, Nagpur every Wednesday from 11:00 a.m. to 04:00 p.m. till the filing of the charge-sheet.

JUDGE

NSN