

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

CRIMINAL APPLICATION (BA) NO. 357 OF 2020

Jivan Suresh Tasare

.Vs.

State of Maharashtra, thr. PSO, Walgaon Police Station, Walgaon, Tq. And
District - Amravati

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

Court's or Judge's order

Shri. Y. S. Thakur, Counsel for Applicant
Smt. M. A. Barabde, APP for non-applicant/State.

CORAM : PUSHPA V. GANEDIWALA, J.
DATED : 20th AUGUST 2020.

Heard Shri. Y. S. Thakur, learned Counsel for the applicant and Smt. M. A. Barabde, learned APP for the non-applicant/State through video conferencing.

2. The applicant is said to be arrested in Crime No. 37/2020 registered at Police Station, Walgaon, District – Amravati for the offences punishable under Sections 33, 366, 354(D), 376, 500, 501, 506(2) of the Indian Penal Code read with Section 4/25 of the Arms Act.

3. The prosecutrix lodged report stating therein that when she was studying in XIIth Std., she got acquaintance with the present applicant - Jivan Suresh Tasare. They used to meet together at the Bus-Stand. When the applicant demanded physical relations, she was stopped talking with

him. The other two co-accused namely Jitu and Sudhir were forcing her to meet the present applicant – Jivan. The prosecutrix further stated that on 27.12.2019, the applicant came to her College – Sant Gadgebaba College at Walgaon and forcibly took her under the threats of knife to a room which is situated behind grain market. The co-accused - Jitu and Sudhir took her photographs with present applicant - Jivan. The applicant – Jivan committed rape with her and gave threats not to disclose the incident or else they would expose the photographs of the incident.

4. I have perused the application, affidavit-in-reply and the charge-sheet.

5. At the outset, undisputably the co-accused – Jitu and Sudhir in this crime are already on bail. The incident is of 27.12.2019 while F.I.R. came to be lodged on 24.01.2020, i.e. after delay of 28 days.

6. On perusal of the charge-sheet, the case appears to be love affair of the prosecutrix and the present applicant. It appears doubtful, as to how, she could not resist when the applicant took her to a room behind the grain market. The age of the prosecutrix at the relevant time was 19 years, which reflects the level of her maturity. The applicant is said to be a student of age 26 years. The applicant is said to be in jail since around eight months. It is stated that the investigation is completed and charge-sheet is also filed. With regard to video recording, the police have already seized

mobile of the present applicant, but could not find any such photographs or video recording of that incident.

7. Considering the given facts, in my opinion a fit case for bail is made out. Hence, I pass the following order :-

ORDER

- i) The criminal bail application is allowed.
 - ii) The applicant – Jivan Suresh Tasare, Amravati, shall furnish P. R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
 - iii) The applicant shall not pressurize or issue threats to the witnesses.
 - iv) The applicant shall not in any manner tamper with the prosecution evidences.
 - v) The applicant to supply his residential address and mobile number to the concerned police station and shall not change the same.
 - vi) The applicant shall not leave the local jurisdiction without prior intimation to the concerned police station.
 - vii) The applicant to attend the concerned police station on every first Thursday of each month between 12.00 noon to 2.00 pm.
8. Any observation made above shall not prejudice the case of the prosecution during trial.

9. The Criminal Application is disposed of accordingly.

10. This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

JUDGE

TAMBE

Vithal
Choulwar

Digitally signed
by Vithal
Choulwar
Date:
2020.08.21
19:12:21 +0530