

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

LD-VC-CRIMINAL APPLICATION (BA) NO. 1078 OF 2020
(Shantaram Ramkrushna Gunjkar, Jalgaon Vs. State of Maharashtra, thr. PS Borakhedi,
Buldhana)

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, Advocate for the applicant.
Mrs. H.N. Prabhu, A.P.P. for the non-applicant.

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

Heard Shri Ali, learned counsel for the applicant and Mrs. Prabhu, learned A.P.P. for the non-applicant/State through Video Conferencing.

2. The applicant is said to be arrested in connection with Crime No. 260/2019 dated 09/08/2019 registered at Police Station, Borakhedi, District Buldhana for the offence punishable under Sections 376(J) and 376(L) of the Indian Penal Code.

3. The prosecution story is that the informant is the nephew of the prosecutrix. On 07/08/2019, at about 8.30 pm, when he was returning from his shop, he has heard certain noises of man and woman near one agricultural field and when he went towards that direction, he saw his aunt in a naked condition and a man committing sexual intercourse with her. That on hearing noise of someone, the man fled away, however, the informant had seen one motorcycle on the spot of incident,

which was an unnumbered vehicle. On the basis of that motorcycle, which is unnumbered, the present applicant came to be arrested. It is further submitted that the prosecutrix is a mentally disabled lady.

4. A perusal of the chargesheet does not reflect any other incriminating material against the present applicant except an unnumbered two wheeler, which was seen by the informant on the spot of incident and on the basis of which he came to be arrested. Admittedly, the informant could not see the culprit at the time of the incident. No one had seen the applicant. The applicant is in jail since more than one year. The investigation is completed and the chargesheet is also filed.

5. In the given facts, this Court is of the opinion that a fit case for grant of bail has been made out. Hence, I proceed to pass the following order :-

ORDER

- i) The Criminal Application is allowed.
- ii) The applicant be released on bail on his furnishing PR 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 tamper with the prosecution evidence.
- 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.

6. Any observation made above shall not prejudice the case of the prosecution during trial.

7. The Criminal Application is disposed of accordingly.

8. 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