

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

LD-VC-CRIMINAL APPLICATION (BA) NO. 749 OF 2020

(Raju @ Rajendra Naktu Latelwar, Gadchiroli Vs. State of Maharashtra)

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. M.A. Barabde, A.P.P. for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 03, 2020.

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

2. The applicant is said to be arrested on 07/02/2020 in connection with Crime No.47/2020 dated 05/02/2020 registered at Police Station, Gadchiroli, District Gadchiroli for the offences punishable under Sections 376(2)(n), 376(d) and 323 of the Indian Penal Code.

3. Perused the application, affidavit-in-reply and the documents annexed herewith.

4. At the outset, the prosecutrix is a married women, aged around 35 years. Since last three years, she was staying alone due to marital differences with her husband. As the applicant helped the prosecutrix in resuming the electricity connection, they both developed intimacy with each other and the applicant started staying with the prosecutrix. However, when

the applicant started harassing the prosecutrix for money and used to assault her, she restrained his entry in her house.

5. On 05/02/2020, she lodged a report about rape and assault by the applicant and making video shooting of the incident by the co-accused. However, in her statement recorded under Section 164 of the Code of Criminal Procedure dated 18/03/2020, she states that there was only a quarrel with the present applicant and there was no incident of rape and that she has no complaint against the instant applicant.

6. The applicant is said to be in jail since February, 2020.

7. In the aforesaid background of facts, no fruitful purpose would be served to keep the applicant in jail any further.

8. In such circumstances, I allow the application and pass the following order :-

ORDER

- i) The Criminal Application is allowed.
- ii) The applicant be released on bail in connection with Crime No.47/2020 dated 05/02/2020 registered at Police Station, Gadchiroli, District Gadchiroli for the offences punishable under Sections 376(2)(n), 376(d) and 323 of the Indian Penal Code on his furnishing PR bond in the sum of

Rs.15,000/- with one solvent surety in the like amount.

iii) The applicant shall not in any manner tamper with the evidences.

9. Needless to say that the trial Court should not get influenced by the observations made above and shall decide the case on its own merits.

10. The Criminal Application is disposed of accordingly.

11. 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