

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

LD-VC CRIMINAL BAIL APPLICATION (BA) NO.385/2020

Virendra Baburo Latewar

..V/s..

State of Maharashtra, through Police Station Officer, Police Station Gadchiroli,
Dist. Gadchiroli

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.
Ms S.V. Kolhe, A.P.P. for the non-applicant / State.

CORAM : N.W. SAMBRE, J.
DATED : 9.7.2020.

1] Hearing was conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality was proper.

2] The applicant is seeking regular bail in Crime No.47/2020, punishable under Sections 376(2)(n), 376(D) and 323 of the Indian Penal Code.

3] Perused the investigation papers and also the reply placed on record.

4] In the statement of the victim female, recorded under Section 164 of the Code of Criminal Procedure, she has mentioned only about the differences and quarrel between the applicant and victim.

5] Though the other witnesses have supported the case of the prosecution, however, it appears that the victim herself has not supported the case of the prosecution about sexual assault. The medical evidence also speaks of only about blunt trauma and not injuries to the private parts of the victim. The witnesses have

also not supported the case of sexual assault. As such, false implication cannot be ruled out.

6] In that view of the matter, the application needs to be allowed.

The applicant be released on bail in Crime No.47/2020 on executing P.R. bond of Rs.20,000/- (Twenty Thousand) with one or more sureties in the like amount. The applicant shall not enter the village till the conclusion of the trial. The applicant shall not influence the witnesses and shall not tamper the evidence of the prosecution.

7] The application is **allowed** in the above terms.

8] This order be communicated to the Advocates appearing for the parties, either on the email address or on Whats App or by such other mode as is permissible in law.

JUDGE