

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

CRIMINAL APPLICATION (BA) NO. 915 OF 2020

(Mr. Jagdish s/o Palakdas Atram (in jail) vs. The State of Maharashtra thr. PSO, PS
Gadchiroli, District - Gadchiroli)

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

Court's or Judge's orders.

Shri Rajnish Vyas, Advocate for the applicant.
Shri M.J. Khan, APP for the non-applicant – State.

.....

CORAM : PUSHPA V. GANEDIWALA, J.
NOVEMBER 23, 2020.

Heard Shri Vyas, learned counsel for the applicant and Shri Khan, learned APP for the non-applicant – State, through video conferencing.

2. The applicant, who was arrested on 25.06.2020 for the offence punishable under Sections 376(2)(f)(n) of the Indian Penal Code registered vide Crime No. 267 of 2020 by the Police Station Gadchiroli, District – Gadchiroli, has filed this application for grant of bail.

3. Perused the application, affidavit-in-reply filed on behalf of the State and the charge sheet.

4. It is stated that the applicant is a Police Constable, who is on deemed suspension due to his arrest in the aforesaid crime. The prosecutrix is about 23 years of age. The incident is of the year 2018 onwards and the First Information Report came to be lodged in the year 2020.

5. A perusal of the FIR would reflect that the prosecutrix wanted some guidance for appearing for Police Training and, therefore, she requested the applicant, who is in police department, to assist her for preparing for the same. It is alleged that the applicant then arranged premises for her on rent. At that time the applicant demanded physical relationship which was objected by the prosecutrix. After few days, the applicant provided the prosecutrix Fan and some utensils. It is further alleged that the applicant had forcible sexual intercourse under the influence of liquor and he slept at the prosecutrix place. The prosecutrix alleged that thereafter on several occasions, the applicant had sexual intercourse with her against her wish.

6. The applicant, who is in Police department, is in jail since about five months. There is no likelihood of his absconding. It is also stated that recording of evidence in the trial has already

been started and the evidence of the prosecutrix has also been recorded. In such circumstances, there are very few chances of pressuring the prosecutrix.

7. Considering the nature of the allegations, the applicant deserves bail. Hence, the following order :

Criminal Application is allowed on the applicant - Jagdish s/o Palakdas Atram executing Personal Bond of Rs.25,000/- (Rs. Twenty five thousand only) with one surety in the like amount.

8. Needless to mention that the observations in this order are strictly for considering the present bail application only and the same shall not come in the way of trial Court.

JUDGE

*GS.