

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

CRIMINAL APPLICATION (APPA) NO. 845/2019.

IN
CRIMINAL APPEAL NO.638/2019.

Akash S/o Subhash narayane and Ors.,
..VS..

The State of Maharashtra, Through P.S.O., Police Station, Wadgaon-Road, Dist. Yavatmal

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

Court's or Judge's orders

Shri P. S. Wathore, Advocate for the applicants.
Shri T. A. Mirza, APP for the respondent.

CORAM : SUNIL B. SHUKRE AND
MADHAV J. JAMDAR, JJ.

DATED : 13th February, 2020

Heard Shri P. S. Wathore, learned counsel for the appellants and Shri T. A. Mirza, learned APP for the respondent.

Perused the record including impugned judgment and order. We are of the opinion that the submission made on behalf of the appellants that the evidence of P.W.-1, the prosecutrix does not inspire confidence especially because of her conduct during incident and post-incident period with no proper explanation for belated filing of the F.I.R. having been given and also there being no medical evidence to support the version of the prosecutrix, the Medical Report notes "nil" external injuries in spite of the fact that one of the spots of incident had rough ground with

shrubs and grass having been grown and presence of cattle, requires consideration by this Court and these facts and circumstances of the case, would, at this stage, make out a case for grant of bail to the applicants. Besides, during the pendency of the trial, as submitted by learned counsel for the appellants, all the appellants were in bail.

Application is, therefore, allowed. The sentences of imprisonment awarded to the applicants are hereby suspended on condition that the applicants shall deposit fine amounts in the trial Court if they have not paid so far and it is directed that the applicants shall be released on bail on each of them furnishing P.R. bond of Rs.50,000/- together with solvent surety in the like sum on the condition that applicants shall remain present before this Court as and when required. Disposed accordingly. This order shall remain valid till final disposal of the appeal.

JUDGE

JUDGE