

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 279 OF 2021

Rafik s/o. Husain Shaikh .. Applicant
Age. 37 years, Occ. Agri.,
R/o. Holewadi, Tq. Karjat,
Dist. Ahmednagar.

Versus

The State of Maharashtra .. Respondent

Mr.R.R.Karpe, Advocate for the applicant.
Mr.N.T.Bhagat, APP for respondent/State.

**CORAM : SANDEEP K. SHINDE, J.
DATED : 05.07.2021**

PC :-

01. The applicant seeks his enlargement on bail in connection with Crime No.1130 of 2020 dated 10.12.2020 registered with Karjat Police Station, Dist. Ahmednagar for offences punishable under section 376(2)(f), 506 of the Indian Penal Code.

02. The complainant is sister-in-law (brother's wife) of the applicant. Civil dispute between brothers over a common well is subsisting. Alleged that on 10th December, 2020, in the early morning hours when complainant's husband had gone to field, the applicant committed sexual assault on her. The incident was

reported in the late evening; where-after the accused was arrested. The investigation in the case is over and charge-sheet has been filed. Learned Counsel for the applicant submits that this is case of false implication. In support of the submission, he has invited my attention to the complaint/application filed by the applicant with Karjat Police Station on 10th December, 2020, wherein he has narrated the dispute and the incident that had occurred at 7 a.m. over use of common well water. I am informed that report was called from the concerned police station in regard to complaint dated 10th December, 2020 filed by the applicant (page No.87).

03. Learned APP submitted that the complaint was filed by the applicant on 10th December, 2020 at 11.00 a.m. and thereafter parties were called in the police station. Learned APP submitted, the complainant also had been to police station. Learned APP has filed report as called for. It is taken on record and marked "X" for identification. I have perused it.

04. The FIR in this case was lodged in late evening on 10th December, 2020. When the parties including the complainant were called in the police station on 10th December, 2020, in pursuant to complaint filed by the applicant, she did not make any grievance and/or narrated

the incident of sexual assault. In the circumstances, prima facie, the complaint is after thought and lacks bona fides. Even otherwise the investigation is over. There are no criminal antecedents against the applicant.

05. In consideration of the facts of the case, the applicant is directed to be released on bail on executing bond of Rs. 20,000/- (Rupees Twenty thousand) with one or more sureties in the like amount. The applicant shall not influence the prosecution witnesses.

06. The application is allowed and disposed of in aforesaid terms.

[SANDEEP K. SHINDE,J.]