

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1256 OF 2020

Amol Laxman Dhas

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Kuldeep Patil for Applicant.

Ms. P. N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th JANUARY, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.34 of 2020 registered at Kokrud police station, Dist. Sangli, on 11/07/2020, under sections 376(1) and 506 of the Indian Penal Code (for short 'IPC'). The applicant was arrested on 12/07/2020 and since then he is in custody. The investigation is over and the charge-sheet is already filed.

2. Heard Shri. Kuldeep Patil, learned counsel for the applicant and Ms. Dabholkar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by the victim herself who is 28 years of age. She is a married lady having two daughters. She was residing with her husband, daughters and parents in law. The applicant was residing nearby. He was on visiting terms with the victim's family.

4. On 11/07/2020, the informant's husband and his parents had gone to their agricultural field. The informant was looking after their cattle. At about 1:00p.m. she had gone to her cattle shed. At that time, the applicant came there and committed rape on her against her will. He threatened her and then left the place. In the incident her bangles broke and pieces fell at the spot. One ribbon also fell at the spot. The informant came home and immediately called her husband from his agricultural land and then told him about the incident. The other relatives were also informed and then this F.I.R.. is lodged.

5. Shri. Patil, learned counsel for the applicant submitted that the offence is false. He is falsely implicated. The allegations

are not supported by medical evidence. There were no marks of struggle or violence.

6. The learned APP opposed this application and submitted that the informant's allegations are supported by marks of struggle. She submitted that the spot panchanama also corroborates her version and there is no reason for false implication of applicant.

REASONS:

7. With the assistance of the learned counsel for the applicant and learned APP, I have perused the charge-sheet. The victim has narrated her version in the F.I.R. lodged by her. The spot panchanama shows that broken pieces of bangles were found at the spot. This supports her case. The requisition sent by the police officer to the medical officer regarding her medical examination shows that the medical officer had noted two abrasions on the left and right scapular region of the victim with dimension 2cm x 5cm each. This also supports her case of struggle. Besides these

circumstances, there are statements of her husband, her husband's parents and her mother. All these witnesses have stated that the informant was crying and had immediately narrated about the occurrence of that incident. Thus, conduct of the informant immediately after the incident also supports her case. There is no merit in the application for bail preferred by the applicant.

8. The application is rejected.

(SARANG V. KOTWAL, J.)