

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2212 OF 2021

Sunil Raghunath More	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

...

Mr. Dharendra Takawale for the applicant.
Mr.A.R. Kapadnis, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 29th JULY 2021

P.C:-

1 The prosecutrix lodged a complaint with the Medha police station, Satara on 20th June 2019 alleging that on 17th June 2019 when she had gone to the Forest for grazing her cattle, the applicant who was hiding himself in the bushes suddenly arrived and expressed his love towards her. When she resisted his act, he threatened her that he would eliminate her. It is alleged that forcibly, he took her in the bushes and though she raised a cry for help, since the place was desolate, no one came to her rescue. It is then alleged that by expressing that the applicant is in love with her, he committed forcible sexual intercourse and threatened her that if she disclose the incident to anyone, he would cause her to death.

Tilak

In the evening, when her husband returned home, she narrated the incident to him and he consoled her by saying that on the next day, they would discuss the matter with the people in the village, but on 18th June 2019, since she was taken ill and her husband was required to take the cattle for grazing, they did not discuss the issue with the villagers. On 19th June 2019, discussed the incident with the Tanta Mukti Adhyaksha and other people in the village and it was decided to lodge a complaint. Since there was no vehicle available to take them to Medha on 26th June 2019, they went to Mahabaleshwar to visit her cousin father-in-law and discussed the issue with him and he accompanied them to the police station to lodge a report.

2 In the wake of the allegations, the prosecutrix was forwarded for medical examination which do not reflect any internal injury to the private parts. The clothes of the prosecutrix were sent for forensic analysis but the report is negative qua the semen or any traces of blood. Similarly, the nail clipping and sample of the accused also tested negative.

3 During investigation, the statement of the husband of the prosecutrix came to be recorded on 15th July 2019 and there exists an inconsistency in the said statement qua the statement of the complainant as to what transpired after the incident and the steps taken by the couple before they came to the police station to

lodge a report. There is no material inconsistency on the part of the narration qua the main incident of rape. The applicant and the prosecutrix both are aged 45 years and are residents of the same village. The Sessions Court has considered this as a ground for denying bail to the applicant that there is a possibility of the applicant pressurizing the victim and the witness since they are from the adjacent village within close proximity.

4 The prosecution will have to meet the test of truthfulness since the medical evidence do not support its case but the law to the effect being that the sole testimony of the prosecutrix can be sufficient to sustain a conviction provided it is found to be trustworthy. The version of prosecutrix will be subjected to a rigorous test at the time of trial.

5 The applicant is incarcerated since long time and to be specific from 21st June 2019. He cannot be kept behind bar indefinitely awaiting his trial for the alleged offences. This ground itself entitle him to be released on bail by imposing a condition that the applicant will not enter the village of the complainant or create any pressue upon her in any manner.

5 Hence, the following order :-

ORDER

- (a) The Applicant – Sunil Raghunath More in connection with C.R.No.89/19 registered with Medha Police Station, Satara, shall be released on bail on furnishing P.R. bond to the extent of Rs.20,000/- with one or two sureties of the like amount.
 - (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
 - (c) The Applicant shall mark his attendance in the trial Court once in every two months till charge is framed.
- 6 The Application is allowed in the aforesaid terms.

SMT. BHARATI DANGRE, J