

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

CRIMINAL APPLICATOIN (BA) NO. 220/2021

Rajesh Sahebrao Jadhav

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S. V. Sirpurkar, Advocate applicant.
Ms. N. P. Mehta, APP for non-applicant/State
Shri A. D. Dhananjay, Advocate for intervenor.

CORAM : VINAY JOSHI, J.

DATE : 06.04. 2021.

Hearing was conducted through Video
Conferencing.

2. The applicant was arrested in Crime No.510/2020 registered at Shivaji Nagar Police Station, Khamgaon, Dist. Buldhana for the offence punishable under Sections 366, 354, 354-A, 417, 506 read with Section 34 of the Indian Penal Code. The applicant prayed for bail on the ground of innocence, false implication and inadequacy of evidence, etc. Learned Advocate for applicant while claiming bail, pointed that there are no allegation of sexual assault. He has also submitted that there is considerable delay in lodgement of FIR. Learned counsel appearing for original informant has resisted bail. Learned APP resisted

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bail by filing reply-affidavit and making factual submission.

3. The applicant had earlier applied to this Court for regular bail, however due to filing of charge-sheet, he was permitted to approach to the Trial Court. In turn, his bail application was rejected by the Trial Court vide order dated 17.02.2021. Thus, virtually this is first bail application after filing of charge-sheet for consideration before this Court.

4. Victim girl aged 22 years has lodged report on 08.12.2020 stating the entire occurrence. It is her case that the applicant was residing in her proximity, hence they had acquaintance with each other. At the time of Mahalaxmi Festival, the applicant went to her house and had inappropriately touched her person. It is victim's case that on 01.12.2020 under some pretext, wife of applicant took her to the applicant's working place. Thereafter, both of them took victim at temple and forced her to marry with applicant.

5. Admittedly, the victim is major, aged 22 years, therefore, her consent assumes significance. So far as the earlier occurrence took place at the time of Mahalaxmi festival, there was no

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complaint. Though alleged incident took place on 01.12.2020, the victim never made complaint for next seven days. Pertinent to note that soon after the incident of marriage, the applicant did not took her to his house for sexual exploitation but sent her to her relative's house.

6. Now, investigation is complete and charge-sheet has been filed. The element of tampering and pressurization can be taken care of by putting stringent conditions. Having regard to the nature of accusation, stage of investigation and all such circumstances, the applicant can be released on bail since trial will take its own time for disposal. In view of that, following order:-

(I) Application stands allowed.

(II) Applicant – Rajesh Sahebrao Jadhav be released on bail on his furnishing P.R. Bond of Rs. 25,000/- with one or two sureties in the like amount.

(III) Applicant shall not enter into the territorial limits of entire Khamgaon Taluka till conclusion of trial.

(IV) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with

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the facts of the case, as also shall not
tamper with the evidence.

JUDGE

Gohane.