

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

Criminal Application (BA) No. 461 of 2021

(Akash S/o Gulab Lende ..vs.. The State of Maharashtra through P.S.O., P.S. Kuhi, Tah. Kuhi,
Distt. Nagpur)

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

Court's or Judge's orders

Mrs. Bhagyashri Reddy, Advocate for the applicant
Mr. N. S. Rao, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 07-07-2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant is seeking bail in connection with Crime 155/2020 registered with Police Station, Kuhi, District Nagpur for offences punishable under Sections 376-D and 506 of the Indian Penal Code.

3. The crime is registered on the basis of report lodged by the victim 'V' who alleged that on 17-3-2020, when she along with her male friend were proceeding from Kuhi to Khairi, 5 to 7 unknown persons snatched their cell phones and forcibly took them to the forest and

one of them forcibly ravished her. The victim further alleged that on the same day, she received a telephonic call from co-accused Pankaj issuing certain threats. According to the victim, it was only in view of the threats issued by the co-accused Pankaj that she did not lodge the report immediately, ultimately, the report was lodged on 22-3-2020.

4. In view of the observations of the learned Sessions Judge in the order of rejection of bail that the applicant is the main culprit against whom there is direct evidence available, I called upon learned Additional Public Prosecutor Mr. Rao to bring to my notice the incriminating material.

5. Mr. Rao fairly states that the applicant is not named. Moreover, in the test identification parade, the victim has not identified the applicant.

6. It is difficult to appreciate as to on what basis, the learned Sessions Judge observed that there is ample direct evidence against the applicant.

7. Be that as it may, considering the state of evidence on record and the fact that there are no criminal antecedents, I am inclined to grant bail.

8. The applicant be released from custody subject to furnishing PR bond of ₹ 15,000/- (Rupees Fifteen Thousand) with solvent surety of like amount on following conditions.

(a) The applicant shall not contact the victim or the witnesses nor shall make any attempt to influence the trial.

(b) The applicant shall attend each date of hearing scrupulously.

9. The application is allowed in the aforestated terms.

JUDGE