

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

CRIMINAL APPLICATION (BA) NO.544 OF 2021

(Nikhil @ Nitin s/o Raju Manohare Vs. State of Maharashtra thr. PSO PS Walgaon,
Tq. & Dist. Amravati)

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

Court's or Judge's orders.

Mr. C. A. Babrekar, Advocate for Applicant.
Mr. M. K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 29th NOVEMBER, 2021.

The applicant is seeking bail in connection with Crime 852/2020 registered with the Police Station Walgaon, District Amravati for offences punishable under Sections 452, 341, 354-B, 376, 511 and 307 of the Indian Penal Code.

2. The report is lodged by Ms. 'P' on 27.11.2020 at 05:30 p.m. or thereabout according to Ms. 'P' at 02:30 p.m. on 27.11.2020 while she was alone in the house, somebody knocked the door. Ms. 'P' asked for the visitor's identity and was told that he is an Officer of the Small Saving Department. However, when Ms. 'P' opened the door, it was the applicant who had knocked the door. The applicant forced his entry in the house and dragged Ms. 'P' to the inner room. The applicant was under the influence of liquor. When Ms. 'P' tried to shout for help, the applicant gagged her mouth. The applicant forcibly undressed Ms. 'P' and

then removed his trouser. Ms. 'P' was resisting. However, the applicant brought her down to the ground, sat on her person and was pressing her neck. Due to the shouts, neighbour Smt. Keshar rushed inside the house and dragged the applicant away from Ms. 'P'.

3. The version of Ms. 'P' is *prima facie* corroborated by the injuries seen in the medico legal certificate. The version is consistent with the statement of the eye witness Smt. Keshar.

4. The offence is extremely heinous in as much as the applicant forced entry inside the house of Ms. 'P' and attempted to rape her. The applicant was pressing her throat. It was only due to the intervention of the eye witness Smt. Keshar that a more serious incident was avoided.

5. Considering the brazen manner in which the alleged offence is committed, I am not inclined to grant bail.

6. The application is dismissed.

7. It is expected that the trial shall be conducted expeditiously.

JUDGE