

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

CRIMINAL APPLICATION (BA) 788 OF 2021

(Akash s/o. Chandran Naik..vs.. State, thr PSO, PS, Saoner, Dist. Nagpur)

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

Court's or Judge's orders.

Mr. C.B. Barwe, counsel for applicant.
Mrs. K.R. Deshpande, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:26.08.2021.

Heard.

2. The applicant is seeking bail in connection with Crime 66/2021, registered with Police Station, Saoner, for offences punishable under sections 376 and 506 of the Indian Penal Code ("IPC").

3. The victim is the mother of Mr. Prajwal, who is a friend of the applicant.

4. In her report dated 7.2.2021, the victim states that the applicant caressed her breasts on 30.1.2021, she lodged a report, the Saoner police

registered an offence under section 354 of IPC and arrested the applicant. After the applicant was released on bail, he threatened the victim. On 2.2.2021, at 7.00 a.m., when the victim had gone to an agricultural field to pluck cotton, the applicant subjected her to forcible sexual intercourse. The victim was not in a position to resist since she was threatened with a sickle.

5. The victim narrated the incident, inter alia to her son Mr. Prajwal and the prosecution case is that unable to bear the trauma, Mr. Prajwal committed suicide by consuming poison.

6. The evidence on record is prima facie overwhelming. The statements of witnesses to whom the incident is disclosed are consistent.

7. The applicant has criminal antecedents. Apart from the earlier incident of outraging the modesty of the victim, he is facing as many as three

other prosecutions, one of which is again for outraging modesty of some other woman. Considering the gravity of the accusation, the overwhelming material on record, the propensity of the accused to indulge in crime and the possibility that the accused, if released on bail, may pressurize or even harm the victim, the application is liable to be dismissed.

8. The Application is dismissed.

Judge

Belkhede