

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

L.D.V.C. CRIMINAL APPLICATION (BA) NO. 413 OF 2020

Dalsu s/o Kumma Gawde

..vs..

State of Maharashtra, thr. P.S.O. Bhamragad

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

Court's or Judge's orders

Shri R.R. Vyas, Advocate for applicant.
Shri N.R. Patil, A.P.P. for State.

CORAM : VINAY JOSHI, J.
DATED : 22/06/2020

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

2. Heard.

By this application, applicant is seeking regular bail in connection with the Crime No. 39 of 2019 punishable under Section 376 of the Indian Penal Code, 1860.

3. Issue notice, returnable after four weeks.

4. Learned A.P.P. waives notice on behalf of the State.

5. Learned Counsel for the applicant is also seeking interim protection on the ground that the applicant/accused has been falsely implicated in the case.

It is his submission that, at the most the incident even if, taken as it is still it is nothing but consensual intercourse. He has pointed out from Spot Panchanama, that the place of occurrence is hut and therefore, it is very difficult to digest that other family members were not able to notice the things despite the victim raised an alarm. In this regard, he took me through the Spot Panchanama and photograph to support his contention. Admittedly, victim – girl is 19 years of age. Though allegedly incident is dated 20.11.2019 and as per prosecution case, at the time of occurrence after alarm raised by the victim – girl, her family members were awakened, still there is delay of three days in lodging F.I.R. Having regard to these facts on *prima facie* basis despite resistance of State, I deem it appropriate to grant interim protection. Hence, following order is passed :

- (a) The Applicant/accused – Dalsu s/o Kumma Gawde be released on interim bail of his furnishing P.R. Bond in the sum of Rs.15,000/- with one surety in the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.

6. This order be communicated to the Counsel appearing for the parties, either on the email address or on WhastApp or by such other mode, as is permissible in law.

JUDGE

**Jitendra
Gohane**

Digitally signed
by Jitendra
Gohane
Date: 2020.06.22
16:25:07 +0530