

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

Criminal Application (BA) 769/2021

Dinesh Pawar V State of Maharashtra, PSO Malegaon, Washim

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

Court's or Judge's Orders

Mr. Mir Nagman Ali, Advocate for applicant.
Mrs. K. Deshpande, APP for State.

CORAM : ROHIT B. DEO, J.
DATE : August, 10, 2021.

The applicant is seeking bail in connection with Crime 99 of 2021 registered with Police Station Malegaon, District Washim, under Sections 376, 448, 450, 452, 506 read with section 34 of the Indian Penal Code (for short, 'I.P.C.').

2. Along with the applicant, one Umesh is implicated on the basis of report dated 21-03-2021 lodged by the prosecutrix Ms. 'M'.

3. Ms. 'M' alleged that the co-accused Umesh induced her to have sexual relationship, promising marriage and it transpired that he is already married. According to the prosecutrix, the first sexual relationship was established on 10-10-2020 at 1.30 pm, thereafter she was ravished by co-accused Umesh on several occasions and the last such incident occurred on 16-03-2021.

4. Insofar as the applicant Dinesh is concerned, the role attributed is that it was Dinesh who introduced Umesh to the prosecutrix and suggested that the prosecutrix should marry Umesh. The other allegation is that after Umesh induced or forced the prosecutrix to have sex on 10-10-2020, Dinesh and Umesh both threatened her that if the incident is disclosed, she would be defamed and physically harmed.

5. The submission of the learned Counsel Mr. Mir Nagman Ali is that it is apparent from the Medical Examination Report that there was no sexual intercourse. I am not inclined to make any observation on the submission, since even dehors the said aspect, I am inclined to grant bail to applicant Dinesh considering the limited role which is attributed.

6. Considering the nature of accusations and the fact that it is not the case of the prosecution that the applicant is at flight risk or that the applicant has criminal antecedent, a case is made out for grant of bail.

7. The applicant be released on bail in connection with Crime 99 of 2021 registered with Police Station Malegaon, District Washim, under Sections 376, 448, 450, 452, 506 read with section 34 of the I.P.C., on executing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand) with one solvent surety of the like

amount.

8. The applicant shall, within 48 hrs of release from custody, furnish the current address, cell number/s and any other relevant details by placing on record of the jurisdictional Court an appropriate praecipe and shall scrupulously update this information in case of any change.

9. The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

10. The applicant shall not leave the country without the permission of the trial Court.

JUDGE