

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

CRIMINAL APPLICATION (BA) NO. 868 OF 2021

(Bhaurao Vasanta Dhurandar ..vs.. State of Maharashtra, through PSO, PS Pimpalgaon Raja,
Buldhana)

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

Court's or Judge's orders

Mr. S.V. Sirpurkar, Counsel for the applicant,
Mr. N.R. Rode, Addl.P.P. for the respondent/State,
Ms. S.H. Bhatia, Counsel appointed for the victim.

CORAM : ROHIT B. DEO, J.

DATED : 20-09-2021

The applicant, who is in custody since 25-5-2021 in connection with Crime 132/2021 registered with Pimpalgaon Raja Police Station, District Buldhana for offences punishable under Sections 376, 376(3), 342 and 506 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, is seeking bail.

2. The prosecution case is that the applicant is a neighbour of the victim. The applicant allegedly asked the victim to cook chapati since the wife of the applicant had gone out of station. The applicant then subjected the victim to forcible sexual intercourse.

3. The incident allegedly occurred on 16-5-2021 and the report is lodged on 24-5-2021.

4. The delay in lodging the report is highlighted by

the learned Counsel Mr. S.V. Sirpurkar for the applicant, who would further submit that there is substantial variance and inconsistency between the statements recorded under Sections 161 and 164 of the Criminal Procedure Code.

5. I would refrain from making any definite observation on the submissions. However, in my considered view, the applicant is entitled to bail.

6. The delay in lodging the report cannot be brushed under the carpet although it is quite possible that the victim may be in a position to explain the delay during the course of the trial. Mr. S.V. Sirpurkar is also right in the submission that there appears to be a substantial variance in the statements.

7. It is noted that the accused has no criminal antecedents and does not appear to be a flight risk. However, considering that he is a neighbour and apparently well known to the family of the victim, stringent conditions shall have to be imposed to allay the apprehension of the prosecution and that of the victim that the witnesses may be compromised.

8. The application is allowed.

9. The applicant shall be released on bail on

executing personal bond of Rs.25,000/- with a solvent surety of like amount.

10. The applicant shall not enter the territorial jurisdiction of village Dhorapgaon, District Buldhana, till the conclusion of the trial.

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

12. The applicant shall attend each date of hearing scrupulously.

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

14. The fees of the learned appointed Counsel Ms. S.H. Bhatia be quantified and paid in accordance with the rules.

JUDGE

adgokar