

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

Criminal Application (BA) No. 1030 of 2021

(Umesh Vasram Chauhan ..vs.. State of Maharashtra, through P.S.O., P.S. Malegaon, Tah. Malegaon,
Dist. Washim)

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

Court's or Judge's orders

Mr. S. D. Chande, Advocate for the applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 17-11-2021

The applicant is seeking bail in connection with Crime 99/2021 registered with Police Station, Malegaon, Tahsil Malegaon, District Washim for the offences punishable under Sections 376 and 506 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report dated 21-3-2021 lodged by Ms. "M". The gist of the report is that although the applicant was already married, he promised to marry Ms. "M" and forced her to submit to his sexual demands, on as many as 3 occasions between 10-10-2020 and 16-3-2021.

3. Mr. Chande would submit that medical evidence on record would *prima facie* suggest that no sexual

relationship was established. The other submission is that since the applicant has no criminal antecedent, is a driver with family to support, is not a flight risk, further incarceration would be a pre-trial punishment.

4. The submission on the basis of the medical papers on record cannot be brushed under the carpet although it would ultimately be for the trial Court to take a final call on the basis of evidence on record. That apart, I do not see any propriety in continuing the jail custody, since it is not even the case of the prosecution that the applicant shall not be available to face the trial.

5. The application is allowed.

6. The applicant be released on bail in connection with Crime 99/2021 registered with Police Station, Malegaon, Tahsil Malegaon, District Washim for offences punishable under Sections 376 and 506 read with Section 34 of the Indian Penal Code on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount.

7. The applicant shall, within 48 hours of release from custody, furnish the current address, cell number/s and 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.

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

9. The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE

wasnik