

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1421 OF 2022

Dnyaneshwar @ Ganesh Ramnath Jagtap	..Applicant
Vs.	
The State of Maharashtra and anr.	..Respondent

Mr.R.R.Karpe, Advocate for applicant
Mr.V.S.Badakh, APP for respondent
Ms.Harsha R. Lomate, Advocate (appointed) for respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : SEPTEMBER 16, 2022**

ORDER :-

Leave granted to correct the name of the applicant.
Amendment be carried out forthwith.

2. This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0364 of 2022 registered with Shevgaon Police Station, Dist.Ahmednagar.

3. Heard learned counsel appearing for the parties.

4. The First Information Report (FIR) has been lodged by the victim herself on 08.06.2022. She claimed to be 15 years of age on the given date. It is her case that by 2.30 p.m. on 08.06.2002, she had been to the field of one Digu Jagtap for grazing her goats. The

applicant suddenly appeared from sugarcane field. He caught hold of her hand, took her to a lime tree and insisted to have sexual intercourse with her. When the victim refused, the applicant even beat her up with stick. The applicant then undressed her and himself as well, and committed rape of her. On investigation, charge sheet has been filed.

5. Learned APP and learned counsel appointed to represent respondent no.2 would submit that it is a serious offence. Injury certificate indicates the victim to have suffered assault. Both of them, therefore, urged for rejection of the application.

6. The FIR was lodged within hours of the alleged incident. The victim was medically screened immediately. The medical examination report indicates that there was no evidence of penetrative assault, genital injury and application of force.

7. In view of the medical examination report of the victim and the fact that on investigation, charge sheet has been filed, this court is inclined to grant the applicant bail.

8. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0364 of 2022 registered with Shevgaon Police Station, Dist.Ahmednagar, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

(iv) Fee of learned counsel appointed to represent respondent no.2 is quantified at Rs.6,000/- (Rupees Six Thousand).

[R.G. AVACHAT, J.]

KBP