

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.1156 OF 2022

Babu @ Tatyga Gangaram Zore	...Applicant
Versus	
The State Of Maharashtra	...Respondent

....

Ms. Neetu Singh, Advocate for the Applicant.

Mr. M. G. Patil, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : 4th OCTOBER, 2022.

PER COURT:

1. This is an application for Bail in CR No.321 of 2021 registered with Shahuwadi Police Station, Kolhapur, for the offences punishable under Sections 376, 452, 506 of the Indian Penal Code. The applicant was arrested on 27th November, 2021.

2. The complainant has alleged that on 26th November, 2021 while she was sleeping in her house, the accused intruded and committed forceful sexual intercourse. She informed the incident to her mother. FIR was lodged on 26th November, 2021.

3. Learned advocate for the applicant submitted that the FIR was false. There is dispute between the applicant and the complainant. The version appearing in the FIR is doubtful. Medical evidence does not support the prosecution case. There is variation in the statement

of the complainant and the statement under Section 164 of the Criminal Procedure Code. It is difficult to believe that in the night, the first informant had approached her mother whose house is situated at some distance.

4. Learned APP submitted that the victim has categorically stated that the applicant had subjected her to forceful sexual intercourse. Her version cannot be disbelieved. Pieces of bangles were found at the spot. In the hospital, before the medical officer, during the medical examination, the victim has narrated history of the incident. In the statement in the FIR as well as the statement recorded under Section 164 of Cr.P.C., the victim has attributed overtact of forceful sexual intercourse to the applicant.

5. The contention of the applicant is that he has been falsely implicated in this case. Considering the nature of allegation, there is no reason to disbelieve the version of the complainant at this stage. She is married lady aged around 32 years, absence of any injuries on her private part is no ground to disbelieve her version.

6. Taking into consideration, the facts and evidence on record, no case for Bail is made out. Criminal Bail Application is rejected.

7. Hence, I pass following order :

:: ORDER::

(i) Criminal Bail Application No.1156 of 2022 is rejected

and disposed of.

- (ii) Trial is expedited. Trial Court is requested to conclude the trial Court within a period of nine months from the date of receipt of this order.
- (iii) Criminal Bail Application is disposed of.

(PRAKASH D. NAIK, J.)