

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1233 OF 2020

Dattatray Suresh Khude ..Applicant
Vs.
The State of Maharashtra ..Respondent

Ms.Savita Yadav Legal Aid Appointed Advocate for the Applicant.
Mr.Y.Y. Dabke, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 3 JANUARY 2022

P.C.

. This is an application for bail. The Applicant has been charge-sheeted for the offence punishable under Section 376 and 506 read with Section 34 of the Indian Penal Code.

2. The allegation is that the Applicant along with co-accused Lala Khude had carried the victim on motorcycle in a forest at Village Indapur and the applicant had committed forcibly sexual intercourse with the victim. It appears that the Accused No.2 Lala Khude has been released on bail apparently for the reason that there is no allegation that the co-accused Lala Khude committed sexual abuse of the victim. The learned counsel for the Applicant has also not claimed any parity.

3. Be that as it may, the victim is 20 years old married girl. The incident is alleged to have happened on 26 February 2018 and complaint was lodged on 2 March 2018. At least *prima facie* there is no explanation for the delay except that the victim was threatened by the applicant. The Applicant was arrested on 26 April 2018 and after completion of the investigation a charge-sheet is filed. The learned counsel for the Applicant pointed out that there is no medical evidence to support allegations as made against the Applicant. She pointed out that the Appellant is in custody for last more than 4 years and the trial has not started.

4. Considering the overall circumstances and *prima facie* having regard to the nature of the allegation and the delay in lodging of the FIR and the absence of any medical report the following order is passed.

ORDER

(i) The applicant be released on bail, on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties, in the like amount.

(ii) The Applicant shall undertake to remain present before the Sessions Court and shall not directly or indirectly make any attempt to contact or influence to the victim or any other prosecution witnesses.

(iii) Bail bonds to be furnished before the learned Sessions Judge.

(iv) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.