

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO.155 OF 2022

Puranlal Sakaru Dhurve

Vs.

The State of Maharashtra, Through Police Station Officer, Police Station,
Shirajgaon-Kasba, Dist.Amravati

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

Court's or Judge's orders

Mr. R. M. Sharma, appointed Advocate for appellant.

Mr. A. R. Chutke, APP for respondent/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 08/07/2022

Criminal Application (APPA) No.196 of 2022
seeks suspension of sentence and grant of bail by the
appellant Puranlal Sakaru Dhurve.

2. Mr. Sharma, appointed learned counsel vehemently argues that the conduct of the husband of the victim, who had managed to get out of the clutches of the accused persons, and had not done anything thereafter, would indicate the falsity of the allegations made by the prosecution. He further submits that there are inconsistencies in the statement of PW-1, regarding the identification of the accused persons as they were wearing scarf on their face, and therefore, submits that on this ground, the appellant is entitled to bail.

3. Mr. Chutke, learned APP for the respondent/

State opposes the application and submits that the material on record, has been properly appreciated by the Court below and considering the nature of the incident and the evidence which has come on record including the medical evidence, clearly supports the impugned judgment and the complicity of the appellant in committing the crime and therefore, the application should be rejected.

4. I have perused the impugned judgment, its paras 2 and 3 narrate the incident. The evidence of PW-4 the victim, indicates that she had the occasion to see the faces of the accused at the petrol pump where the two wheeler was stopped for getting water and so also petrol, on which occasion, the accused had uncovered their faces by removing the scarves which were covering their faces. PW-4 the victim in her evidence, has fully supported the prosecution case, which is also supported by the evidence of PW-8 Medical Officer, who has given the MLC which is at Exh.82 and so also the opinion which is at Exh.83. The evidence of PW-1 Jayesh and PW3 Ashish, pins the location of the PW-4, with that of the accused. The PW1/PW3/PW-4 have identified the accused in the identification parade. The CA reports at Exh.110 to 115 indicate the presence of semen stains on the clothes of the victim, in view of which, merely because there is no material on record to indicate that the husband of the victim has not made any

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attempt to trace the victim, consequent to the incident, that by itself, cannot be a ground to disbelieve the prosecution story. Considering the nature of the crime and the heinousness of the same, I am not inclined to accept the application, the same is rejected.

JUDGE

Sarkate