

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

CRIMINAL APPLICATION (BA) NO.938 OF 2022

(RASHTRAPAL PATRUJI RAMTEKE....VS.. STATE OF MAH. THR. PSO PS SINDEWAHI, DIST.
CHANDRAPUR & ANR.)

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

Court's or Judge's orders

Shri Jasprit Singh Chilotra, Advocate for Applicant.
Shri T.A.Mirza, A.P.P. for Non-applicant No.1/State.
Ms Sejal Lakhani, Advocate (Appointed) for Non-applicant No.2.

CORAM : ANIL S. KILOR, J.
DATED : AUGUST 29 2022.

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.182 of 2022, registered with Police Station, Sindewahi, District: Chandrapur for the offences punishable under Sections 323, 354-A, 376(2)(f), 376(1) of the Indian Penal Code.
3. The learned counsel for the applicant submits that he has been falsely implicated in the alleged offence. He further pointed out that after completion of the investigation, charge-sheet has been filed and as such custody of the applicant is no more required.
4. The learned counsel for the applicant submits that even if the allegations made in the F.I.R. are taken on its face value there was consensual relations between the

complainant and the applicant. However, on the date of the incidence, as the husband of the victim saw the victim and the applicant together in the night, complaint came to be lodged. Accordingly, he prays for grant of bail.

5. The learned A.P.P. strongly opposed the application and submits that as the offence is serious this Court may not grant bail to the applicant.

6. The learned counsel for the victim reiterates the submission of the learned A.P.P. and submits that if the applicant is released on bail there is a possibility that he may repeat the offence as he is resident of the same village. She further submits that there is also the possibility that he may pressurize the prosecution witness if he is released on bail. Accordingly, she prays for rejection of the present application.

7. I have perused the case diary and the F.I.R.

8. In this case, investigation is almost completed. The applicant is in jail from last about two months. Considering the allegations made in the F.I.R., *prima-facie*, it appears that there was consensual relations between the applicant and the victim. In the circumstances, I am of the opinion that the further custody of the applicant is not necessary. As far as apprehension expressed by the learned counsel for the victim that if the applicant is released on bail he may repeat the offence or

he may pressurize the prosecution witnesses, the same can be addressed by imposing certain stringent conditions. Accordingly, I pass the following order:

- i) The application is **allowed**.
- ii) It is directed that the applicant shall be released on bail in Crime No.182 of 2022, registered with Police Station, Sindewahi, District : Chandrapur for the offences punishable under Sections 323, 354-A, 376(2)(f), 376(1) of the Indian Penal Code, on his furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount.
- iii) The applicant shall not enter into the territorial jurisdiction of Sindewahi, District : Chandrapur till filing of charge-sheet.
- iv) The applicant shall provide his address and name of the nearest Police Station. The applicant shall attend the said Police Station on every Monday between 09:00 a.m. and 10:00 a.m. till filing of charge-sheet.
- v) Thereafter, the applicant shall attend the trial on each and every date before the Sessions Court unless exemption is granted by the said Court.

The criminal application is **disposed of**, in the above terms.

Fees of the appointed counsel be quantified as per the Rules.

JUDGE

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