

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

CRIMINAL APPLICATION (BA) NO.965 OF 2022

Subhash S/o Himmatrao Nikalji .Vs. State of Maharashtra, through P.S.O., P.S.
Buldhana (Rural), Tq. & Dist. Buldhana and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.V. Sirpurkar, Advocate for the applicant.

Shri N.R. Rode, A.P.P. for the non-applicant No.1/State.

Ms N.G. Chaubey, Advocate for the non-applicant No.2 (Appointed).

CORAM : ANIL S. KILOR, J.

DATED : 12/12/2022

1. Heard.
2. The applicant is seeking bail in Crime No.64 of 2022, registered with Police Station: Buldhana (Rural), District: Buldhana, for the offences punishable under Sections 376(1), 354-A, 452, 294 and 506 read with Section 34 of the Indian Penal Code.
3. In this crime the allegations against the applicant are that, he entered into the house of the non-applicant No.2, outraged her modesty and when she cried, her nephew came there and on seeing him the applicant ran away.
4. It is pointed out that the alleged incident is dated 26.02.2022, which is a counter blast of the FIR registered on 25.02.2022 against the husband of the applicant for outraging the modesty of daughter of the applicant.

5. Considering the above referred position and the fact that, there is no independent witness who has seen the applicant entering into the house of the non-applicant No.2 or coming out from her house, coupled with the further fact that after completion of investigation, the charge-sheet has been filed, I am of the opinion that further custody of the applicant is not necessary.

6. In the circumstances, though the learned APP and the learned counsel for the non-applicant No.2 has strongly opposing the application, I am of the opinion that the applicant is entitled for grant of bail.

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No.64 of 2022, registered with Police Station: Buldhana (Rural), District: Buldhana, for the offences punishable under Sections 376(1), 354-A, 452, 294 and 506 read with Section 34 of the Indian Penal Code, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when his presence is required.

- d) The applicant shall not tamper with the prosecution witnesses.
- e) Fees of the learned counsel for the non-applicant No.2/Victim, be quantified as per the Rules.

The criminal application is **disposed** of accordingly.

JUDGE