

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

CRIMINAL APPLICATION (BA) NO. 1110 OF 2022

Amol Bandu @ Anandrao Nannaware **Versus** State of Maharashtra, through P.S.O.,
P.S. Bhis, Dist. Chandrapur.

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

Court's or Judge's Order

Shri M.Rai, Advocate for the applicant.

Shri S.A.Ashirgade, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 22/09/2022

Heard.

2. The applicant is seeking bail in connection with Crime No. 219/2021, registered with Police Station Bhis, District Chandrapur for the offences punishable under Sections 376, 341, 323 and 506 of the Indian Penal Code, 1860.

3. Shri Mahesh Rai, learned counsel for the applicant has pointed out that discrepancies in the medical reports and the spot of incident. He further points out delay of fifteen days in recording the statements of witnesses without any explanation for such delay, and submits that the applicant is in jail from last about one year and considering the nature of evidence, there is every possibility of the applicant is being acquitted, he, submits that the applicant may be released on bail.

4. On the other hand, learned APP strongly opposed the present application and submits that considering

the statements of witnesses and the medical evidence coupled with the nature of seriousness of offence, this Court may not grant bail to the applicant. Accordingly, he prays for rejection of the present application.

5. I have perused the charge-sheet and the application.

6. The complainant in her report categorically pointed out that immediately after the incident, she informed about the same to the co-workers. In the report, she has also stated the names of co-workers, to whom, she disclosed the incident. However, the statements of them were recorded after 15 days of the incident whereas, the Police visited the spot of occurrence on the same day and prepared spot panchanama.

7. In addition to this, there are two medical reports and to some extent, there are discrepancies in both the reports. As in the first medical examination, no injury was found on the neck of the victim, whereas, in the second report, injury on the neck is shown. Thus, first medical report does not fully support the case of the prosecution, whereas, the second report supports. The time gap between the first medical examination and second medical examination is significant, considering the discrepancies.

8. The investigation is completed and the charge-sheet has been filed and as such, in the above referred backdrop, I am of the opinion that, further custody of the applicant is not necessary, and he should be released on bail by imposing certain stringent conditions.

9. Thus, considering the possibility of the prosecution witnesses being pressurized, as the victim and the applicant are residents of same village i.e. Shankarpur, Tq. Chimur, District Chandrapur, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in connection with Crime No. 219/2021, registered with Police Station Bhis, District Chandrapur for the offences punishable under Sections 376, 341, 323 and 506 of the Indian Penal Code, 1860, the applicant shall be released on bail on furnishing P.R. Bond of Rs.20,000/- with one solvent surety in the like amount.
- c) The applicant shall not enter into the territorial jurisdiction village Shankarpur, Dist. Chandrapur, till the culmination of the trial, except for trial.
- c) The applicant shall attend the concerned Police Station on 1st and 16th day of each month between 10.00 a.m. to 12.00 noon, till the culmination of the trial.
- d) The applicant shall not tamper with the prosecution witnesses.

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

[ANIL S. KILOR, J.]