

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1006 OF 2024

Sadashiv Govindrao Shinde

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. S.R. Bagal h/f Mr. B.N. Gadegaonkar

APP for Respondent/State : Mr. S.R. Wakale

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CORAM : S.G. MEHARE, J.

DATED : JULY 04, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.214 of 2023 registered with Kuntur Police Station, District Nanded for the offence punishable under Sections 376-D of the Indian Penal Code.
3. The applicant was working with the victim and her husband as a labour. It has been alleged against him that he and his one friend took the victim into the field of sugarcane, tied her mouth with handkerchief and did forceful sex with her. The report was lodged second day of the incident. She explained that she was disturbed due to the unexpected incident with her. On her report, the applicant has been arrested and is languishing in jail.
4. Learned counsel for the applicant would submit that since his wages were not paid, he had a quarrel with her and her

husband. Therefore, a false report has been lodged. He would point out that there was material discrepancy in her statement before the police and the medical officer about the involvement of the co-accused. Referring to the medical evidence, he would submit that there were no surface injuries or resistance marks on her body. Hence, he may be granted bail.

5. Learned APP would submit that for a small reason of not paying wages, no women would put her life at stake. The incident took place in the field of victim. Forcible sex was done with her. She has no reason to lie against the applicant. In such circumstances, the corroborative evidence is immaterial.

6. The learned APP is correct in arguing that the corroborative evidence like the resistance marks may not be available in each case and medical evidence is not essential when the statement of the victim inspires the confidence. But this is a matter of appreciation on merit. This could be assessed on the basis of demeanor noticed by the Court. Herein the case, the spot of incident as alleged is the sugarcane field. Sugarcane is a very dense crop. So, if any act as such have been done in that crop, surface injuries or resistance marks were natural. However, this corroborative evidence is missing in the case. The material contradictory statement involving the co-accused, in the statement before the medical officer, is also the another circumstance to be considered.

7. The investigation has been completed. Nothing is to be recovered from the applicant. For the above reasons, the applicant deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Sadashiv Govindrao Shinde, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) The applicant shall attend the trial on each and every date.
 - (c) The applicant shall stay away from Village Kuntur for three months from the date of his release.
 - (d) The applicant shall furnish his residential address to the Court where he would reside for three months.

(S.G. MEHARE, J.)