

Dusane

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.990 OF 2024

Dinesh Parshu Rathod & Ors. ...Applicants
V/s.

The State of Maharashtra ...Respondent

Ms. Trupti Khamkar for Applicant.

Ms. Savita Yadav, APP for Respondent-State.

CORAM : MADHAV J. JAMDAR, J.
DATE : 19th March 2024

PC.:

1. Heard Ms. Khamkar, learned Advocate appointed to represent the Applicant and Ms. Yadav, learned A.P.P. for the Respondent-State.

2. Ms. Khamkar, pointed out the statement of the victim dated 11th February 2020 as well as the statement recorded under Section 164 of *Code of Criminal Procedure, 1974* dated 13th February 2020. She also pointed out the supplementary statement dated 4th March 2020 of the victim. She submitted that even the medical examination reports do not support the prosecution case. She pointed out the statement of witness-Dinesh Rathod dated 3rd March 2020. She submitted that the material on record clearly show that the victim was having consensual relationship with the Accused. She therefore submitted that the Bail

Application be granted.

3. On the other hand, Ms. Yadav, learned A.P.P. submitted that the statements on record as well as material on record show that the victim has been sexually assaulted. She also submitted that the medical evidence records that there is sexual assault. She submits that the trial is almost completed and the stage is for recording statement under Section 313 of Cr.P.C. She submitted that the trial will conclude very shortly.

4. As the trial is at the fag-end and the stage is of recording statement under Section 313 of Cr.P.C., the learned Trial Court is requested to conclude the trial within a period of three months.

5. Accordingly, the Bail Application is disposed of. However, the Applicants are granted liberty to file fresh Bail Application after a period of three months, if trial is not concluded within said period.

(MADHAV J. JAMDAR, J.)