



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.488 OF 2024

(Akshay Moreswar Jumna Vs. The State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. N.R. Shiralkar, Advocate for the applicant.
Mr. C.A. Lokhande, APP for the State.
Mr. S. Joshi, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 5, 2024

Heard.

2. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.381/2024 registered with Police Station Pusad, District Yavatmal for the offence punishable under Sections 354, 354-A, 342, 376 and 506 of the Indian Penal Code.

3. Learned Counsel for the applicant submitted that as per the accusation made against the present applicant on 09/06/2024 at about 2.00 to 3:00 p.m. when she was proceeding towards a shop, at that time the present applicant restrained her, called her inside the house and subjected her for forceful sexual assault. Not only she was forced to have a sexual assault on her but she was confined in bathroom and was not allowed to go out from the house. Thereafter she was rescued by one Gokul Chavhan. On the basis of said report, police have registered the crime against the present applicant.

4. Learned Counsel for the applicant submitted that due to the previous dispute as there was quarrel

between the family members of the present applicant and the family members of the victim, he is implicated. As far as his custodial interrogation is concerned which is not required. In view of that, he be protected by granting anticipatory bail.

5. Learned APP and learned Counsel for non-applicant No.2 strongly opposed the application and submitted that the allegations are substantiated by the medical certificate which shows the injuries on the person of the informant i.e. the victim. Thus, there is a *prima facie* case made out against the present applicant. As far as the considerations for grant of anticipatory bail and the regular bail are different. Considering the gravity of the offence, the bail application deserves to be rejected.

6. I have heard learned Counsel for both the parties. Perused the investigation papers. The recitals of the FIR are substantiated by the medical certificate as external injuries are found on the person of the victim. The medical opinion of the Medical Officer also shows that evidence as to the sexual assault cannot be ruled out. Considering the *prima facie* case is made out against the present applicant, at this stage, the bail application deserves to be rejected.

7. Hence, the application is rejected accordingly.

8. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)