

Amberkar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO. 1520 OF 2025**

Prakash Ghisaram Chaudhary

.. Applicant

**Versus**

State of Maharashtra & Ors.

.. Respondents

.....

- Mr. Brijesh Pandey, Advocate for Applicant
- Mr. Rushikesh M. Pethe, APP for Respondent Nos. 1 & 2 - State
- Mr. Madan Gupta, Advocate for Respondent No. 3

.....

**CORAM : MILIND N. JADHAV, J.**

**DATE : APRIL 17, 2025**

**P. C.:**

1. Heard Mr. Pandey, learned Advocate for Applicant and Mr. Pethe, learned APP for Respondent Nos. 1 & 2 - State.

2. Applicant stands indicted for the offences punishable under BNS, 2023. He is arrested on 13.12.2024 and since then he has been in detention.

3. Age of the Applicant at the time of incident was 24 years whereas the age of the prosecutrix is 19 years. FIR is lodged on 13.12.2024. The tenure of the incident stated in the FIR is from 13.02.2024 to 10.12.2024.

4. Mr. Pandey would persuade the Court to consider the dichotomy in the medical reports which are appended to the Application. He would submit that there exists a *prima facie* discrepancy between the

medico-legal examination report of the prosecutrix and the medical report issued by the private doctor, which was submitted by the prosecutrix and pertains to an examination conducted ten days after the lodging of the FIR. He would submit that the medico legal examination report of the prosecutrix does not support the prosecution case and it is inconclusive.

5. After hearing Mr. Pandey, it is seen that the prosecutrix who has been impleaded as Respondent No. 3 in the present Application has not been served. Be that as it may, Mr. Gupta, learned Advocate appears for Respondent No. 3. Advocate for Applicant is directed to serve copy of the Application to Mr. Gupta forthwith. The same is handed over to Mr. Gupta. If Mr. Gupta desires to file affidavit in reply, the same shall be filed within a period of two weeks from today positively. Copy of the affidavit shall be served on Advocate for Applicant.

6. Stand over to **27th June, 2025.**

[ MILIND N. JADHAV, J. ]

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