



CNRNO.MHSI010008162022

Order below Exh.5 in Sessions Case No.54/2022
(Mahipal Kursing Yadav Vs. State of Maharashtra)

- 1] This is an application filed by the applicant Mahipal Kursing Yadav @ Mahipal Kuvarpal for regular bail u/s.439 of Cr.P.C. in connection with Crime No.71/2022, registered with Dodamarg Police Station for the offence punishable under Sections 376(1), 376(2)(m), 354-A(1), 354-B, 324, 504, 506, 34 of Indian Penal Code.
- 2] Heard Ld. Advocate Mr. B.V. Naik for applicant and Ld. APP Mr. R.V. Desai for the State. Perused the say and chargesheet filed by Investigating Officer.
- 3] It is the case of the prosecution that, on 04/10/2022 when the first informant was sleeping in the room, applicant and Juvenile conflict-with-law came there under the pretext of taking mattress, entered in the room forcibly, applicant pulled her near his chest, moved his hands on her breast, insisted to remove her cloths and outraged her modesty and when the first informant resisted them, applicant tried to beat her by iron tube on her hands and legs therefore, FIR came to be registered. After recording statement under section 164 of Cr.P.C. informant disclosed that applicant inserted his finger in her private part therefore additional Section 376(1) and 376(2) (m) were added.
- 4] On persual of record it appears that, alleged incident was taken place on 04/10/2022, first informant informed the said incident to her friend Shaukin Ali immediately, accordingly, FIR came to be registered on 04/10/2022 itself. It further appears that statement of first informant came to be recorded by the concerned Judicial Magistrate u/sec. 164 of Cr.P.C. in which she has given all the necessary details

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contending additional fact that applicant inserted his finger on her private part. It appears that Shaukin Ali also stated before the police as stated by first informant.

5] It is pertinent to note that first informant is a lady who was in search of job and she came into the contact of applicant first time in the evening on 03/10/2022. So it appears that first informant is not having any grudge or reason to implicate the applicant in such a heinous crime. There is letter on record written by first informant to concerned doctor dtd. 4/10/2022 that she has no grievance of sexual harassment and hence she does not want to any medical check-up. Though said letter is on record but that is not sufficient to say that no such sexual harassment was taken place. There can be many reasons for the first informant to write such letter and applicant can not take advantage of said letter at this stage.

6] Present offence is of serious nature, prima facie, sufficient circumstances are available on record to show the involvement of applicant in the present crime, there is nothing on record to show that applicant is innocent and he is implicated in false case. Considering all the facts and circumstances, no case is made out for grant of bail. Hence I proceed to pass the following order:-

-:-O R D E R -:-

Application is rejected.

Date : 21/12/2022

(S. J. Bharuka)
Sessions Judge,
Sindhudurg-Oros.