

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.206 of 2015

Navnath S/o Namdev Rathod. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. D.P. Palodkar, Advocate, for applicant.

Smt. M.A. Deshpande, Additional Public Prosecutor, for respondent.

Shri. Sudarshan J. Salunke, Advocate, to assist the APP.

CORAM: T.V. NALAWADE, J.

DATE : 10th FEBRUARY 2015

ORDER:

1) The application is filed for bail. Both the sides are heard. This Court has perused papers of investigation which include record of medical examination of the prosecutrix.

2) The prosecutrix is aged about 24 years and she has one daughter of 8 years and one son who is younger to the daughter.

3) The incident in question took place on 10-9-2014 after 12.30 hours of the night. The prosecutrix has contended that on that night when somebody knocked the door she opened the door. Her husband was not at home. It is her case that when she opened the door the applicant and two other persons entered the house. They put off the light and then the applicant raped her in her house. It is her case that the applicant gave threats while leaving the house that she should not disclose the incident to anybody. It is her case that she disclosed the incident to her husband when he returned to home and then report came to be filed.

4) There are statements of the relatives including the mother-in-law and it the mother-in-law who first shouted after seeing three persons who were going away. It appears that only after shouting of the mother-in-law the other persons rushed to the spot. In view of these circumstances and the record of medical examination of the prosecutrix, this Court holds that it is not desirable to keep the applicant behind the bars till disposal of the case. Learned counsel for the applicant submitted that the

applicant has been behind the bars since 10-9-2014.

5) In the result, the application is allowed. The applicant is to be released on bail in Crime No.80/2014 registered in Wadvani Police Station, District Beed, for offences punishable under sections 376-D, 452, 506 of Indian Penal Code on his furnishing PR and SB of Rs.15,000/-. He is not to tamper with prosecution witnesses. He is not to commit similar offences. He is not to enter Bichkuldara Tanda, Tahsil Wadvani till disposal of the case.

Sd/-
(T.V. NALAWADE, J.)

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