

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

Criminal Application No.375 of 2015

Kapil s/o Shivaji Bharati.

.. Applicant.

Versus

The State of Maharashtra.

.. Respondent.

Shri. Ganesh P. Shinde, Advocate, for applicant.

Shri. N.B. Patil, Additional Public Prosecutor, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 13th FEBRUARY 2015

ORDER:

1) The application is filed for bail. Both the sides are heard. This Court has perused papers of investigation.

2) Crime is registered on the basis of report given by the prosecutrix, who was aged 19 years at the relevant time. It is her case that the applicant was following her and he was saying that he has love with her. Due to the

conduct of the applicant, allegations are made that she was prevented from attending the tuition and the college. It is her case that on 12-9-2014 the applicant met her on road and he told that as the mother of the prosecutrix had settled her engagement ceremony on 17-9-2014, the applicant wants to marry her. It is her case that on 15-9-2014 they went to Nagpur. They stayed there and the applicant had sex with her. He had given promise of marriage. Then they returned on 23-9-2014. The report was given on 30-9-2014.

3) This Court has perused the record of medical examination of the prosecutrix which this Court is avoiding to discuss. Considering the age of the prosecutrix and the aforesaid circumstances this Court holds that it is not desirable to keep the applicant behind the bars till disposal of the case. He has been behind the bar since 7-10-2014.

4) In the result, the application is allowed. The applicant is to be released on bail in Crime No.131/2014 registered in Basmath Police Station, District Hingoli for

offences punishable under sections 366, 376 (1), 294 etc. of the 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 the locality and the village where the prosecutrix is living till disposal of the case.

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

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