

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

Criminal Application No.595 of 2015

Basvaraj s/o Shivbasappa Karande. .. **Applicant.**

Versus

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

Shri. Amit A. Mukhedkar, Advocate, for applicant.

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

CORAM: T.V. NALAWADE, J.

DATE : 20th FEBRUARY 2015

ORDER:

1) The application is filed for the relief of bail. Both sides are heard. This Court has perused papers of investigation including the medical examination of the prosecutrix, who is aged 48 years.

2) The applicant is aged about 67 years. The prosecutrix and her husband were working with the present applicant as labour. Allegations are made that on

2-1-2015 when the complainant and her husband were doing work in the field of the present applicant, the applicant asked the husband of the prosecutrix to go away to see that water is given to the sugarcane crop. When the husband went, according to the prosecutrix, the present applicant virtually dragged her towards sugarcane crop and there by giving threat of life he raped her. It is the case of the prosecutrix that after the incident was over she shouted and her husband rushed there. It is her case that when they attempted to hold the present applicant he ran away. It is her case that one person, Chandrakant then came there and she narrated the incident to him. On the next day the complaint came to be lodged for the offence of rape.

3) In view of nature of allegations and particularly absence of corroboration in the report of the medical examination 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 bars since 3-1-2015.

4) In the result, the application is allowed. The applicant is to be released on bail in Crime No.3/2015 registered at Naldurg Police Station, District Osmanabad for offences under sections 376, 506 of the Indian Penal Code on his furnishing PB and SB of Rs.15,000/-. The applicant is not to tamper with prosecution witnesses. He is not to commit similar offences.

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

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