

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1003 OF 2015

Arun s/o. Bhaurao Aade

....Applicant.

Versus

The State of Maharashtra

....Respondent.

Mr. V.B. Deshmukh, Advocate for applicant.

Mr. R.P. Phatke, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 10th March, 2015.

ORDER :

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

2. The crime is registered on the basis of report given by prosecutrix, who was aged about 30 years at the relevant time. The applicant hails from her village. She has made allegations that on 18.1.2015 after 11.30 p.m. when she was sleeping in the house and she has kept the doors open as her husband was to return home from the field, the applicant entered her house. She has made allegations that by using force, the applicant raped her and when the applicant was present in her house, her husband returned and there was virtually scuffle between the applicant and husband of

prosecutrix. It is her case that during scuffle she was also pushed aside and due to that she sustained injuries on head and injuries. After that, the applicant ran away.

3. The crime is registered for the offences punishable under sections 452, 376 of I.P.C. This Court has seen the record of medical examination of the prosecutrix. The applicant has been behind bars since 19.1.2015. In view of the nature of material and nature of aforesaid allegations, this Court holds that it is not desirable to keep the applicant behind bars till the disposal of the case. It is not certain as to how much time will be required for the disposal of the case.

4. In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 30,000/- (Rupees thirty thousand) with one or more solvent surety/sureties of like amount. He is not to tamper with the prosecution witnesses. He is not to commit the similar offence. He is not to enter the village of the prosecutrix till the disposal of the case which may be filed against the applicant.

[T.V. NALAWADE, J.]

ssc/