

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1349 OF 2015

[Balasaheb s/o Dagadu Jagdhane Vs The State of Maharashtra & anr.]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri S.S.Dixit, advocate for applicant
Smt. V.A.Shinde, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 24th March, 2015

PER COURT :-

- 1] Heard Shri S.S.Dixit, learned counsel for the applicant and Smt. V.A.Shinde, learned Additional Public Prosecutor for the respondent.
- 2] The applicant apprehends his arrest in connection with Crime No.I-4 of 2015, registered with Akole police station, District Ahmednagar, for the offences punishable under Sections 376, 415, 417 of the Indian Penal Code.
- 3] The prosecutrix is 40 years of age and she was a married woman and obtained divorce from her husband and was having a married daughter. As per the accusation made in the first information report, there were relations in between her and the present applicant. The first informant alleges that on the pretext of marriage, the applicant has established sexual contacts with her. These are the only allegations against the present applicant.
- 4] Looking to the fact that the prosecutrix is 40 years of age, a divorcee and it was well within her knowledge that the present applicant is a married person, prima facie, the accusation made in the first information report requires a

detailed probe during the trial, however, for that custodial presence of the present applicant is not at all necessary. In that view of the matter, I propose to pass following order.

O R D E R

- (i) Present Criminal Application is allowed.
- (ii) In the event of arrest of the applicant, in connection with Crime No.I-4 of 2015, registered with Akole police station, District Ahmednagar, for the offences punishable under Sections 376, 415, 417 of the Indian Penal Code, he be released on anticipatory bail on his executing P.R. bond in the sum of Rs.5,000/- with one solvent surety in the like amount.
- (iii) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap1349.15