

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No. 1643 Of 2015.

RAMESHWAR @ RAMA S/O TRIMBAK CHAVAN.
VERSUS
THE STATE Of MAHARASHTRA.

Radhabai w/o Madhukar Jadhav : First Informant.

Appearance =>

Mr. Ramchandra Nirmal, Advocate for Applicant.

Mr. Abhijit Avhad, Advocate for the First Informant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 16th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail, in connection with CR No.13/2015 registered with Police Station, Mantha, District - Jalna for the offences punishable under Section/s 376(1), 417, 506 of the Indian Penal Code.

[2] Heard Mr. Ramchandra Nirmal, Advocate for Applicant, Mr. Abhijit Avhad, Advocate for the First Informant and Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

[3] Prosecutrix is first informant. She is major. She is widow. From her first marriage, she is having one daughter, aged about 6 years.

[4] From the First Information Report, it is clear that, the Prosecutrix was knowing that the present Applicant is already married. Accusations against the present Applicant in the First Information Report are that on the pretext of promise of marriage, the Applicant has established sexual relations with the Prosecutrix and thereafter he went around and thereafter he shown his unwillingness to perform marriage with her, therefore, the Prosecutrix has lodged complaint against the present Applicant.

[5] From the First Information Report, it is clear that it was well within the knowledge of the Prosecutrix that the Applicant is already married. Since the Prosecutrix herself is widow, she knows that, during the continuance of his first marriage, it will not be possible for the present Applicant to perform the second marriage. Therefore, prima facie case is made out by the present Applicant, to be released on bail.

[6] Mr. Abhijit Avhad, learned counsel for the First Informant as well as Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State both have submitted that, stringent conditions be imposed upon the Applicant; since there is possibility of threat at the hands of present Applicant. Apprehension of the first informant as well as prosecution can be taken care of by imposing certain stringent conditions. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - RAMESHWAR @ RAMA S/O TRIMBAK CHAVAN shall be released on regular bail on he executing P.R.

Bond of Rs. 25,000/- [Rs. Twenty Five Thousand.] with one solvent surety in the like amount, in connection with CR No. 13/2015 registered with Police Station, Mantha, District - Jalna for the offences punishable under Section/s 376(1), 417, 506 of the Indian Penal Code.

(iii) Bail before trial Court.

(iv) The Applicant shall not enter into territorial jurisdiction of Mantha Taluka, District – Jalna for a period of two years or till disposal of trial, which ever is earlier.

(v) The Applicant shall inform his residential address to the Investigating Officer.

(vi) With these observations, Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)