

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

Criminal Application No. 1671 Of 2015.

KISHOR DADARAO SALVE.
VERSUS
THE STATE Of MAHARASHTRA.

Appearance =>

Mr. Abhaysinh K. Bhosale, Advocate for the Applicant.

Mr. U.H. Bhogale, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 13th April, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No.I 28/2015 registered with Police Station, Bhokardan, District – Jalna, for the offences punishable under Section.s. 376, 506 of the Indian Penal Code.

[2] Heard Mr. Abhaysinh K. Bhosale, learned counsel for the Applicant and Mr. U.H. Bhogale, learned Additional Public Prosecutor for the State of Maharashtra.

[3] Admittedly, the first informant – prosecutrix is aged about 33 years and she is serving as “Nurse” in the Hospital.

[4] According to the First Information Report, on the pretext of marriage, present applicant, who is also married person, has established sexual relations with her. Fact that applicant-accused is a married person is within the knowledge of prosecutrix. Prosecutrix is also married women.

[5] Looking to the nature of accusation and looking to the fact that prosecutrix is major and serving as a Nurse, possibility of consensual sex cannot be completely ruled out. The applicant has made out a case for grant of anticipatory bail, which leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) In the event of arrest, Applicant - KISHOR DADARAO SALVE shall be released on anticipatory bail on he executing P.R. Bond of Rs. 10,000/- [Rs. Ten Thousand.] with one solvent surety in the like amount, in connection with CR No. I 28/2015 registered with Police Station, Bhokardan, District – Jalna, for the offences punishable under Section.s. 376 and 506 of the Indian Penal Code.
- (iii) The applicant shall not intimidate the prosecutrix.
- (iv) The applicant shall attend Police Station, Bhokardan, District – Jalna once in a week, preferably on every Sunday, between 11.00 a.m. to 1.00 p.m., till filing of the Charge-Sheet.
- (iv) Application is disposed of.

(V.M. DESHPANDE, J.)