

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

CRIMINAL APPLICTION NO.1698 OF 2015.

Mahesh Subhash Tambe.

Versus

The State of Maharashtra.

Appearance =>

Mr. R.N. Dhorde, Senior Counsel i/by Mr. Vikram Dhorde, Advocate for the Applicant.

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

Mrs. A.N. Ansari, Advocate for the First Informant.

CORAM : V.M. Deshpande, J.

DATE : 28th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.I 4/2015 registered with Police Station, Veergaon, District - Aurangabad for the offences punishable under Section.s. 376(2)(n) read with 506 of the Indian Penal Code.

[2] Mr. R.N. Dhorde, Senior Counsel i/by Mr. Vikram Dhorde, Advocate for the Applicant, Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra and Mrs. A.N. Ansari, Advocate for the First Informant.

[3] Though till today the charge-sheet is not filed in the present case, however, from the investigation papers and from the statement made by the learned Additional Public Prosecutor, it is clear that, investigation is over and act of filing of the charge-sheet is remained to be done.

[4] There is no dispute that, since last two years, dispute between the Prosecutrix and the present Applicant is going on. The prosecutrix is major. From the present F.I.R. and also from the F.I.R. having CR No.38/2013, it is clear that the Prosecutrix and present Applicant are in love.

[5] Prior to two years, present Applicant has established sexual relations with the Prosecutrix. The First Information Report further states that on 20th January, 2015 in the night at 1 O'clock the Applicant called the Prosecutrix out of her house. Upon that she obliged the request and thereafter she was again ravished by the present Applicant.

[6] According to the learned Additional Public Prosecutor and also Mrs. Ansari, learned counsel for the Prosecutrix, if the Applicant is released on bail then in that event there is every possibility that the Applicant will indulge himself in such a fashion thereby, he will try to influence the prosecution case.

[7] Looking to the nature of accusation and fact that Applicant is behind the bar since 15th march, 2015 and investigation is completed and only filing of the charge sheet is remained to be done, further custodial presence of the Applicant is not warranted. At the same time, stringent conditions can be imposed upon the Applicant thereby, apprehension of the first informant and the prosecution can be taken care of.

[8] The learned counsel upon instructions from the Applicant submits that if the Applicant is released on bail, in that event, the Applicant will reside at Sangamner which is 140 K.M. from the place of occurrence. In that view of the matter, I pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - Mahesh Subhash Tambe 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.I 4/2015 registered with Police Station, Veergaon, District - Aurangabad for the offences punishable under Section.s. 376(2)(n) read with 506 of the Indian Penal Code.
- (iii) Bail before trial court.
- (iv) The Applicant shall not enter the territorial limits of Vaijapur Taluka, till conclusion of trial; except on the dates when the Applicant is required to attend the court, in present case as well as previous case, lodged against him.
- (v) The Applicant within a period of eight days from his release from jail, shall intimate the address of residence at Sangamner, to the Investigating Officer.
- (vi) The Applicant shall attend the Police Station, Sangamner (Rural), Taluka – Sangamner, District - Ahmednagar twice in a week, preferably on every Sunday and Friday and shall remain present in the said Police Station between 2.00 p.m. to 4.00 p.m., till Charge is framed, in the present case, by the court below.

(vii) Any of the breach of aforesaid condition shall give cause to the first informant and also the prosecution to apply for cancellation of bail.

(viii) With this Criminal Application is allowed and same is disposed of.

(V.M. DESHPANDE, J.)