

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2195 OF 2015

Chandrakant s/o Manohar Salve ... **Applicant**
Age 20 years, Occu: Education
R/o Ambedkar Nagar, Purna
Taluka Purna, Dist. Parbhani.

VERSUS

The State of Mahatrashtia ... Respondent
Through Police Station, Purna
Taluka Purna Dist. Parbhani

Mr. P. N. Kulkarni, Advocate for the Applicant
Mr. S. A. Ambad, APP for the State.

CORAM : T. V. NALAWADE , J.

DATE : 16th July, 2015

PER COURT:

1. The application is filed for bail. Both sides are heard.
2. Previous application filed for bail was withdrawn when this Court had expressed that the court is not inclined to grant relief. Submissions was made by the learned counsel for the applicant accused that there is record with him to show that there was marriage between accused and the prosecutrix and due to that, the applicant is entitled to get bail.
3. Charge sheet is filed against the accused for offences punishable under sections 363, 366, 376, 323, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act.

Age of the prosecutrix was around 17 years and she has made allegations that the accused was after her and he was always trying to talk with her directly and also on phone. Even relatives of prosecutrix tried to convince the accused to behave well. He did not improve his conduct. Prosecutrix has made allegations that on 15.07.2014, she was at the house of her grandmother and when she was alone there, the accused came there and induced her by giving false promise and took her to Nanded. She has made allegations that from Nanded she was taken to Ranjangaon MIDC, Aurangabad by giving false promise of marriage and there he had taken sexual intercourse with her. She was kept there for about two months. When prosecutrix insisted for marriage, he avoided but continued to have sexual intercourse with her. The prosecutrix then became pregnant. The accused also took her to Jogeshwari, MIDC and there also they have stayed for about two months. It is her case that the accused tried to cause abortion by giving some medicine but she refused to take the medicine. It is her case that the accused then became agree and started assaulting her. It is her case that he then called his relatives and relatives of accused also beat her and they expressed that they would finish her. She was taken out of that room on 5th December 2014 and she was reached to Parbhani railway station and there she was abandoned. She then approached police and gave report on 01.01.2015. Her medical examination was done.

4. The applicant is not disputing that the prosecutrix became pregnant from him. The learned counsel for the applicant has produced some photographs to show that there was marriage ceremony and even relatives of prosecutrix and of applicant side had attended the marriage. In view of this submission, this court had

asked the investigating agency to verify the photographs. The instigating agency made enquiry about the photographs with the prosecutrix and other relatives. They denied that there was such marriage ceremony.

5. Learned counsel for the applicant accused submitted that the Prosecutrix has completed age of 17 years and as she is his wife, no offence is committed by him. When the prosecutrix has denied that there was marriage and there are allegations of aforesaid nature, at this stage, defence of accused of aforesaid nature cannot be considered. There is possibility of the accused tampering with the witnesses and there are aforesaid circumstances. This Court holds that this is not a fit case to grant relief.

6. In the result, the application is rejected.

(T. V. NALAWADE, J.)

JPC