

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.2279 OF 2015

Manzoor Ahemad Gulam Ahemad ..Applicant

Versus

The State of Maharashtra ..Respondent

--

Mr.S.J.Salunke, advocate for applicant

Mr.S.R.Palnitkar, APP for respondent

--

CORAM : M.T. JOSHI, J.

DATE : MAY 06, 2015

PER COURT :

Heard both sides.

2] Present applicant, who is arrested in Crime No.261 of 2013 registered with Kadim Jalna Police Station, Dist. Jalna, for the offences punishable under Section 376, 465, 468, 470, 471, 506 read with 34 of Indian Penal Code, is praying for release on bail.

3] The earlier application of the present applicant bearing Criminal Application No.4175 of

2014 was allowed to withdraw by this Court vide order dated 10th December, 2014 with a liberty to file the similar application, in case the trial is not concluded within six months. However, before expiry of said period, present application is filed.

4] The complaint of the prosecutrix would show that she, due to poverty, had joined the plotting business of the present applicant as, it was found that a lady was required for that business. Thereafter, the applicant forcibly had sexual intercourse with her and thereafter, the applicant as well as his wife forced her to marry with the applicant and to change her religion. In the circumstances, the complaint came to be filed and the applicant came to be arrested.

5] Mr.Salunke, learned counsel for the applicant, points towards the deposition of the very same

prosecutrix recorded on 27th January, 2015 in Sessions Case No.46 of 2014. It appears that present applicant is also one of the accused in the said sessions case.

6] Reading of the said deposition reveals that the prosecutrix has deposed that she has, willingly, joined the business of the applicant and had sexual intercourse with him willingly and also married with him with consent.

7] Mr.Salunke submits that considering the deposition of the prosecutrix in the said sessions case, there is a change in the circumstances and therefore, the applicant may be released on bail.

8] Learned A.P.P. opposes the application. He submits that the deposition in another case has no bearing in the present case.

9] Considering the facts on record, finding that the applicant is behind the bars since 5th December, 2013 and in the background of the development that took place, without making any comment on merit of the case, in my view, the applicant can very well be released on bail.

10] Hence, the following order :-

a] Criminal Application is allowed.

b] The applicant be released on bail in Crime No.261 of 2013 registered with Kadim Jalna Police Station, Dist. Jalna, for the offences punishable under Section 376, 465, 468, 470, 471, 506 read with 34 of Indian Penal Code, on his executing P.R. Bond in the sum of Rs.20,000/- (Rs.Twenty Thousand) and also upon furnishing surety in the like amount.

[M.T. JOSHI, J.]

kbp