

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2406 OF 2015

Rahul s/o Gopal Chavariya

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. R.D.Biradar, Advocate for Applicant.

Mrs. S.G.Chincholkar, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 25th JUNE, 2015

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PER COURT :

1. This is an application for bail since the present applicant is arrested in connection with Crime No. 68/2015 registered with Police Station Kranti Chowk, Aurangabad Dist. Aurangabad for the offences punishable u/s 376 (g), 452, 342, 506 of the Indian Penal Code.

2. Heard Mr. R.D.Biradar, learned Counsel for the applicant and Mrs. S.G.Chincholkar, learned A.P.P. for the respondent – State.

3. Investigating agency has already completed entire investigation and charge sheet is filed. Applicant is arrested

on 10/02/2015 and since then he is in jail.

4. F.I.R. is lodged by the prosecutrix herself. Prosecutrix is major. She is married having one son. According to the prosecutrix, on 09/02/2015 at 2.00 p.m. when her husband and her son were not available in the house, that time present applicant entered into her house and has committed sexual intercourse with her. According to F.I.R., that time he gave threat that if she raise alarm, he will kill her by means of knife. On the next day, i.e. on 10/02/2015 her supplementary statement was recorded.

5. Charge sheet shows that when the prosecutrix was taken for her medical examination, she did not give her consent for examination of her private parts.

6. Learned A.P.P. has submitted that the present applicant is having criminal antecedents at his dis-credit. In fact, applicant himself has placed on record copies of the charge sheet in which he is accused. It is reported that he is already released on bail in those crimes.

7. Looking to the fact that the investigation is already over and the entire case of the prosecution revolves around the prosecutrix and further no apprehension is expressed that if the applicant is released on bail, he will tamper with the prosecution case, further custodial presence of the applicant in jail is not warranted. That leads me to pass the following order.

- (i) Present Criminal Application is allowed.
- (ii) Applicant Rahul s/o Gopal Chavariya be released on bail in connection with Crime No. 68/2015 registered with Police Station Kranti Chowk, Aurangabad Dist. Aurangabad for the offences punishable u/s 376 (g), 452, 342, 506 of the Indian Penal Code on he executing P.R. Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] with two solvent sureties of like amount. Bail before the trial Court.
- (iii) Present applicant shall not enter Bahadurpura, Banjara colony, Datta Mandir area, Aurangabad till the trial is over.
- (iv) Present applicant shall attend Police Station Kranti Chowk, Aurangabad once in a fortnight, preferably on every Sunday in between 2.00 p.m. - 5.00 p.m. till the trial is over.
- (v) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]