

FARAD CONTINUATION SHEET NO.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2976 OF 2015
[Gokul s/o Baburao Ratnaparkhi Vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri S.S.Thombare, advocate for applicant
Smt.Pratibha Bharad, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 6th July, 2015

PER COURT :-

- 1] This is an application for regular bail.
- 2] The applicant is arrested in connection with Crime No. 22 of 2015, registered with Kaij Police Station, District Beed, for the offences punishable under Sections 376, 452, 506 of the Indian Penal Code.
- 3] Heard Shri S.S.Thombare, learned counsel for applicant and Smt.Pratibha Bharad, learned Additional Public Prosecutor for the State.
- 4] The investigation is over and charge sheet is also filed. The applicant is arrested on 31.1.2015 and since then he is in jail.
- 5] The prosecutrix is major. She was widow having one son aged about 17 years and a married daughter. According to the first information report itself, since last one and half year the present applicant had been to her place to purchase the cotton and on that account the friendship was developed

in between them. The first information report, if it is believed, then a proposal for marriage was put by the present applicant with the first informant and on that count he established the sexual relations with the prosecutrix. Further, the first information report shows that thereafter the present applicant extended threats to the extent that he will kill her son and will take away her daughter and continued to have sexual relations.

6] Prima facie, the afore said statement made in the first information report appears to be improbable, for the reason that the daughter of the first informant is already married and she is residing along with her husband in a different village; whereas the son is aged about 17 years. Further, no complaint whatsoever appears to have been lodged against the present applicant on that count.

7] The first information report, if scanned in its correct perspective, shows that there was consent from the first informant.

8] Charge sheet is also filed. Therefore, further custodial presence of the applicant is not warranted. Hence, I pass following order.

ORDER

- (i) Application is allowed.
- (ii) Applicant-Gokul s/o Baburao Ratnparkhi be released on bail on he executing P.R. bond of Rs.10,000/- with one solvent surety in the like amount, in connection with Crime No. 22 of 2015, registered with Kaij Police Station, District Beed, for the offences punishable under Sections 376, 452, 506 of the Indian Penal Code.
- (iii) Bail before the trial court.
- (iv) Applicant-Gokul shall attend Kaij police station on

every fort night, preferably on every Sunday till charge is framed.

(v) Applicant-Gokul shall not tamper with the prosecution case.

(vi) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap2976.15