

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 3130 OF 2015
[Prakash s/o Chhabu Tambe 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 N.B.Suryawanshi, advocate for applicant
Shri V.H.Dighe, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 2nd July, 2015

PER COURT :-

- 1] This is an application for regular bail.
- 2] Applicant is arrested in connection with Crime No. 11 of 2015, registered at Ashvi police station, District Ahmednagar, for the offences punishable under Sections 376, 306, 448, 452 of the Indian Penal Code.
- 3] I have heard Shri N.B.Suryawanshi, learned counsel for the applicant and Shri V.H.Dighe, learned Additional Public Prosecutor for the respondent/State.
- 4] At the out set, it is to be mentioned that investigating agency has completed the entire investigation and charge sheet is already filed.
- 5] Prosecutrix who is deceased was major. She was wife of first informant Bharat. According to the first information report, the present applicant and the first informant were knowing each other and in fact first informant used to go for work with the present applicant. According to the first informant, it was disclosed to him by his wife that previously when the first informant was not available in the house, that time applicant tried to tease her. According to

the first informant report, on 9.3.2015 in the morning at 9.30 the first informant proceeded to Loni, however, subsequently at 2.30 when he came to Chinchpur, that time he noticed that his house was closed and both the doors were closed from inside. That time when first informant peeped into the house through window, that time he noticed that the present applicant was in compromising position with the deceased. Therefore, the first informant gave abuses to the present applicant and that time the present applicant ran away. The first information report further states that thereafter the wife of the first informant committed suicide.

6] Looking to the nature of accusations made in the first information report and looking to the fact that investigation is over, further custodial presence of the applicant is not warranted. Application, therefore, requires to be allowed.

ORDER

- (i) Application is allowed.
- (ii) Applicant- be released on bail on he executing P.R. bond of Rs.15,000/- with one solvent surety in the like amount, in connection with Crime No. 11 of 2015, registered at Ashvi police station, District Ahmednagar, for the offences punishable under Sections 376, 306, 448, 452 of the Indian Penal Code.
- (iii) Bail before trial court.
- (iv) The applicant shall not tamper with the prosecution evidence.
- (v) The applicant shall attend police station Ashvi, District Ahemdngar, once in fort night, preferably on every Sunday between 3.00 p.m. to 5.00 p.m. till charge is framed.
- (vi) Application is disposed of.

(V.M.DESHPANDE, J.)