

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 3770 OF 2015**[Pappu s/o Natu Karmavate 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

Smt. Asha Sanjay Rasal, advocate for applicant
Smt. S.G.Chincholkar, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 28th July, 2015****PER COURT :-**

- 1] This is an application for bail.
- 2] The applicant is arrested in connection with Crime No.179 of 2012, registered with Bhusawal Bazar Police Station, District Jalgaon, for the offences punishable under Sections 341, 366 r/w 34 of the Indian Penal Code and under Section 5(A), 8, 9 of the Prevention of Immoral Traffic Act.
- 3] Heard Smt. Asha Sanjay Rasal, learned counsel for the applicant and Smt. S.G.Chincholkar, learned Additional Public Prosecutor for the respondent/State.
- 4] The first information report is lodged by the prosecutrix herself, who is aged about 25 years. The investigation is over and charge sheet is already filed.
- 5] This court on the very same set of allegations has already released co-accused Leelabai vide order, dated 24.4.2013. Though, this court while releasing her on bail also considered her womanhood, however, at the same time, perusal of the order shows that this court has observed that the victim being major at the relevant time, it is possible that she was volitionally moving with the accused persons rather

than any allurement or enticement.

6] Looking to the nature of accusation made against Leelabai and present applicant, I see no reason for not extending the benefit of parity. Further, it is to be noted that from the entire charge sheet, it is clear that at no point of time the victim was subjected to sexual intercourse either by the present applicant or by anybody. That leads me to pass following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant-Pappu s/o Natu Karmavate be released on bail, in connection with Crime No.179 of 2012, registered with Bhusawal Bazar Police Station, District Jalgaon, for the offences punishable under Sections 341, 366 r/w 34 of the Indian Penal Code and under Section 5(A), 8, 9 of the Prevention of Immoral Traffic Act, on he executing P.R. bond in the sum of Rs.35,000/- with one solvent surety, who shall be local surety, in the like amount.
- (iii) After release, applicant-Pappu shall stay within the vicinity of Bhusawal till the trial is over and applicant-Pappu shall not leave Bhusawal without prior permission of the trial court.
- (iv) Bail before the trial court.
- (v) The applicant-Pappu shall not indulge in such activity which will be prejudicial to the prosecution case.
- (vi) Application is disposed of.

(V.M.DESHPANDE, J.)