

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3948 OF 2015

Krishna s/o Khandu Rathod

..APPLICANT

VERSUS

The State of Mah. & anr.

..RESPONDENTS

Mr G.N. Chincholkar, Advocate for applicant;

Mrs B.B. Gunjal, A.P.P. for respondents;

Mr L.V. Sangit, Advocate holding for Mr P.S. Patil, Advocate to assist Addl.  
Public Prosecutor

**CORAM : N.W. SAMBRE, J.**

**DATE : 27th August, 2015**

**ORAL ORDER :**

This is an application seeking pre-arrest bail, in connection with C.R. No.23 of 2015, registered with police station, Islapur, Taluka Kinwat, District Nanded, for offences punishable under sections 376 and 417 of the Indian Penal Code.

2. The prosecution case, in brief, is that a complaint came to be lodged against the applicant by one Mayabai, who claims to be of the age of 19 years, *inter alia* alleging therein that, while working in the field of the present applicant she had developed liking, which further took shape of love and was in physical relationship with the applicant for the last three years. According to the prosecutrix the applicant developed physical relationship with her pursuant to promise of marriage given by him.

3. During the investigation, it is discovered that the prosecutrix, namely, Mayabai has entered into wedlock on 31<sup>st</sup> March, 2015 with some other person.

4. On the date of the complaint, i.e. 11<sup>th</sup> July, 2015, the complainant was subjected to medical examination and the Medical Officers could certify her age between 18 and 20 years.

5. Perusal of the contents of the complaint and the statements of the witnesses *prima facie* gives an impression that there was a consent of the complainant. Apart from above, this Court is required to take note of the fact that, in spite of the above referred allegation of physical relationship, the complainant got married on 31<sup>st</sup> March, 2015.

6. In view of above, in my opinion, this is a fit case to protect the applicant.

7. In view of above observations, I pass the following order :-

In the event of arrest of the applicant, in connection with C.R. No.23 of 2015, registered with police station, Islapur, Taluka Kinwat, District Nanded, for offences punishable under sections 376 and 417 of the Indian Penal Code, he be released on bail on furnishing

P.R. Bond of Rs.15,000/- with one surety in the like amount. The applicant shall not enter the jurisdiction of police station, Islapur, Taluka Kinwat, District Nanded, till conclusion of the trial. He shall attend the concerned police station every day, between 11.00 a.m. and 12.00 p.m. For one week and thereafter as and when called by the Investigating Officer.

Criminal Application stands allowed in above terms.

**(N.W. SAMBRE, J.)**

amj