

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

CRIMINAL APPLICATION NO.4339 OF 2015

Sambhaji s/o Ramrao Shingne,
Age 31 years, Occu. Agriculture,
R/o Village Deolgaon Raja,
District Buldhana
(At present the applicant is in
Aurangabad Central Prison,
Harsool, Aurangabad, Taluka
and District Aurangabad)

..Applicant

Versus

The State of Maharashtra,
through the Police Sub Inspector,
Harsool Police Station, Harsool,
Taluka and District Aurangabad

..Respondent

Mr R.S. Deshmukh, Advocate for applicant
Mr S.R. Palnitkar, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 11th September 2015

PER COURT

Heard.

2. The applicant is an accused in Crime No.I-82/2015 registered at Harsool Police Station, District Aurangabad, for the offences punishable under Sections 376 (I), 323, 504, 506 of the Indian Penal Code.

3. Prior to the above referred crime, the applicant was accused in R.C.C. No.19/2011 at the behest of victim Sandhya and her mother. The said proceedings were initiated against the applicant for the offences punishable under Sections 452, 323, 504, 506 (2) of the Indian Penal Code and the present applicant was acquitted by judgment and order dated 28th February 2013.

4. The prosecution case appears to be that the complainant Sandhya was aware of the fact that the applicant is already married, still permitted to maintain physical relation with her. The complainant Sandhya appears to be major and pursuant to the complaint, the applicant was taken into custody on 10th July 2015.

5. The applicant is behind the bars in the present case since last about two months.

6. Pursuant to the supplementary statement of the complainant dated 11th July 2015, i.e. after two days of lodging the F.I.R., the provisions of the atrocities Act are added in the present case though any background thereof is absent in F.I.R.

7. From the record, it appears that the complainant and the applicant were well known to each other and prima facie there appears to be consent on the part of the complainant, as the complainant maintained physical relation with the applicant, in spite of knowledge about already existing marriage of the applicant and his acquittal in earlier criminal case.

8. The accusations, if are perused in the light of the other investigation papers, same raise doubt.

9. No fruitful purpose will be served in detaining the applicant in the light of above referred background.

10. As such, Criminal Application stands allowed in following terms.

(I) The applicant Sambhaji son of Ramrao Shingne be released on bail in Crime No.I-82/2015 registered at Harsool Police Station, District Aurangabad, for the offences punishable under Sections 376(I), 323, 504, 506 of the Indian Penal Code and under Section 3 (1) (xi) (xii), 3 (2) (v) of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, upon furnishing P.R. Bond of Rs.10,000/- (Rs. Ten thousand) with one surety in the like amount.

(II) The applicant shall keep himself away from the jurisdiction of Harsool Police Station, District Aurangabad till filing of charge-sheet.

(N.W. SAMBRE, J.)

vvr