

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

CRIMINAL APPLICATION NO.4552 OF 2015

Shantikram @ Shantaram
s/o Sakladi Nagare,
Age 45 years, Occu. Agri.,
R/o Wahegaon Shreeshti,
Taluka Partur, District Jalna
[At present in Magisterial
custody in District Prison,
Jalna]

.. Applicant

Versus

The State of Maharashtra,
Through Police Station,
Mantha, District Jalna

..Respondent

Mr S.J. Salunke, Advocate for applicant
Mrs B.B. Gunjal, A.P.P. for respondent
Mr R.G. Hange, Advocate for complainant - assisting the A.P.P.

CORAM : N.W. SAMBRE, J.

DATE : 30th September 2015

PER COURT

Heard.

2. The applicant was arrested on 22nd July 2015 pursuant to registration of Crime No.I-77/2015 with Mantha Police Station for the offence punishable under Section 376 of the Indian Penal Code, upon a complaint made by one Shakuntala Aghav aged 25 years. Perused the first information report and the other investigation papers.

3. Learned Additional Public Prosecutor opposes the application for regular bail on the ground that the investigation in the matter is complete and the charge-sheet will be filed within a week. She would submit that in addition to Section 162 Cr.P.C. statement, there is iota of evidence available against the applicant.

4. According to learned A.P.P., the application is liable to be rejected.

5. Perusal of the first information report reflects that complainant Shakuntala, major by age appears to be volunteered and consented to an act, as is apparent from the statement in first information report and other investigation papers. It is required to be noted that the complainant along with the present applicant has traveled to various places for about four days by public transport and there was an occasion for her to report the same.

6. In my opinion, prima facie, it appears to be the case of consent. In view thereof, no fruitful purpose will be served if the applicant is detained in jail. Hence, I proceed to pass the following order :

7. The applicant - Shantikrao @ Shantaram son of Sakladi Nagare be released in Crime No.I-77/2015 registered with Mantha Police Station for the offence punishable under Section 376 of the Indian Penal Code, upon furnishing P.R. bond of Rs.10,000/- (Rs.Ten thousand) with one surety in the like amount;

8. At this stage, learned Counsel for the complainant through learned A.P.P. would urge that the applicant be restrained from entering into the jurisdiction of Mantha Police Station till conclusion of the trial, as according to him, there is likelihood that the applicant may tamper with the evidence.

9. Upon release of the applicant, he shall not enter the jurisdiction of Police Station, Mantha till date of filing of the charge-sheet.
10. Criminal Application stands disposed of in above terms.

(N.W. SAMBRE, J.)

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