

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

Criminal Application No.7124 of 2014

Bajrang S/o Sarjerao Waghmode. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Rajendra G. Hange, Advocate, for applicant.

Shri. A.V. Deshmukh, Additional Public Prosecutor, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 21st JANUARY 2015

ORDER:

1) The application is filed for relief of bail. Both the sides are heard. This Court has perused the papers of investigation.

2) Crime is registered on the basis of report given by the prosecutrix. She was aged 25 years at the relevant time. She is a married woman. The incident took place on 3-11-2014 after 11 a.m. It is the case of the prosecutrix

that she was doing work in her land at that time applicant came to her from the neighbouring field. The applicant picked up a sickle from the spot and by showing the sickle and by giving threats he raped her. She has contended that when she shouted her husband and other relatives rushed to the spot and then the applicant ran away.

3) This Court has gone through the report of medical examination. This Court is avoiding to discuss the medical evidence. During arguments it was submitted that the houses of both the sides are situated in their respective fields. It is the case of the prosecution that after the shouts of prosecutrix, the husband rushed to spot and the applicant ran way from the spot.

4) The applicant is behind the bars since 4-11-2014. In view of nature of material collected as against the applicant this Court holds that it is not desirable to keep the applicant behind the bars till disposal of the case. Subject to some conditions bail can be granted.

5) In the result, the application is allowed. The applicant is to be released on bail in Crime No.116/2014 registered in Pimpalner Police Station, District Beed, for offence punishable under section 376 of the Indian Penal Code on his furnishing PR and SB of Rs.15000/-. He is not to tamper with prosecution witnesses. He is not to commit similar offences. He is not to enter the village Hivra Pahadi till disposal of the case which is filed against him.

Sd/-
(T.V. NALAWADE, J.)

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