

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.510 OF 2015**

Rupesh Eknath Kadam & Ors. ....Applicants.  
Versus  
State of Maharashtra ...Respondent.

Mr. Kuldeep S. Patil, advocate for the Applicants.  
Mr. Arfan Sait, APP for the respondent-State.

**CORAM : MRS. MRIDULA BHATKAR, J.**

**DATED : April 10, 2015.**

**P.C.:**

Application is moved for interim pre-arrest bail as the applicants-accused are facing charges under Section 376(J)(K)(I) of the IPC in C.R.No.41 of 2015 of Mangav police station.

2           It is submitted by the learned counsel for the applicants-accused that applicant no.1 is husband of the prosecutrix. Prosecutrix is deaf and dumb. However, she was 23 years old at the time of marriage. Applicant-accused no.2 is friend, applicant-accused no.3 is mother and applicant-accused no.4 is elder brother of the applicant-accused no.1. He submits that hearing of the main application is fixed on 15.4.2015 before

the Sessions Court and prays for interim protection. The learned prosecutor opposed the application in view of the facts of the case and allegations made against the applicants.

3 Prosecutrix prima-facie appears to be major when the alleged incident of rape has taken place. Applicant-accused no.1 is married to the prosecutrix and marriage is in existence. Hence, interim bail is granted on the following conditions:

- i) In the event of arrest, the applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/- each, with one or two sureties in the like amount;
- ii) The applicants shall not tamper with the evidence;
- iii) The applicants shall not indulge into any kind of offence while on bail;
- iv) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on every Monday , between 4 to 6.

4 Trial Court to decide the application independently on its own merits.

5      Application stands disposed of.

**(MRS.MRIDULA BHATKAR, J.)**