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

CRIMINAL APPLICATION (BA) NO.613 OF 2015

Nilesh S/o Dhondu Pise

..vs..

The State of Mah., thr PSO Dhamangaon Bade, District Buldana

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

**Shri Sk. Sabhatullah, Counsel for the Applicant.
Shri A.d. Sonak, APP for the State.**

CORAM : V.M. DESHPANDE, J.

DATE : SEPTEMBER 21, 2015.

By the present application under Section 439 of the Code of Criminal Procedure, the applicant is seeking his release on bail since the applicant is arrested in connection with Crime No.5 of 2015 registered with Police Station Dhamangaon Bade, District Buldana for the offences punishable under Sections 376, 366, 506, 34 of the Indian Penal Code.

Heard Shri Sk. Sabhatullah, learned counsel for the applicant and Shri A.D. Sonak, learned APP for the non-applicant/State.

The prosecutrix is a major having 19 years of her age. According to the prosecutrix, the applicant wished to marry to her but she objected him. As per the FIR, on 16.2.2015, the applicant and other co-accused viz. aunt of the applicant Sau. Kamalabai Ashok Pise and friend of

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the applicant Pradeep Dhondu Pise came to the house of the prosecutrix. Sau. Kamlabai Pise told the prosecutrix to go away with the applicant and to get married to him. Thereafter, both of them, viz. the applicant and the prosecutrix, ran away and reached to Khandwa. The applicant gave promise of marriage to the prosecutrix and on that pretext the applicant established sexual relation with her. The applicant neither fulfilled the promise of marriage nor the three acres of agricultural land is made in the name of the prosecutrix. These are the allegations made against the present applicant.

Learned APP submits that the investigation is over and the charge-sheet is already filed.

Looking to such nature of accusations made against the applicant and the fact that the investigation is over, I see no reason that the applicant should continue his presence in the jail custody.

In that view of the matter, this Court passes the following order :-

ORDER

1] The criminal application is allowed.

2] Applicant – Nilesh S/o Dhondu Pise be released on bail in connection with Crime No.5 of 2015 registered with Police Station Dhamangaon Bade, District Buldana for the offences punishable under

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Sections 376, 366, 506, 34 of the Indian Penal Code on he executing Personal Bond of Rs.30,000/- (Rupees Thirty Thousand Only) with two sureties in the like amount.

3] The applicant shall attend the concerned Police Station every Wednesday in between 2.00 pm to 6.00 pm till the trial is over.

4] The applicant is prohibited from extending any threat whatsoever in nature to the prosecutrix.

The criminal application is disposed of as such.

JUDGE

!! BRW !!

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