

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

CRIMINAL APPLICATION NO. 407 OF 2016

Uddhav s/o Thamaji Bhosale,
Age: 50 years, Occ: Agri.,
R/o. Kendepimpri, Tq. Wadwani,
Dist. Beed.

...Applicant

versus

The State of Maharashtra
Through Police Station Dindrud,
Dist. Beed.

...Respondent

.....
Mr. S.J. Salunke, Advocate for applicant
Mr. S.J. Salgare, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 8th FEBRUARY, 2016

ORAL ORDER :

The applicant is seeking regular bail in Crime No. 113 of 2015 registered with Dindrud Police Station, District Beed for the offence punishable under Sections 376, 452, 506 of the Indian Penal Code, for the alleged incident dated 20/07/2015, for which F.I.R. came to be lodged on 19/10/2015.

2. The prosecution case against the present applicant is that the complainant, who was working as Cook in the Zilla Parishad school and whereas the applicant, who is agriculturist, has close acquaintance with her family. There was handloan transaction and

taking advantage of the same and in absence of husband of complainant, the applicant has committed offence of rape.

3. While trying to make out case for grant of bail, learned Counsel for the applicant Mr. Salunke would urge that perusal of the F.I.R. would narrate complete improbable story, as the applicant is an agriculturist, whereas the complainant is working in Z.P. school, as such, the applicant has hardly any control over the services of the complainant in Z.P. school and there is no question of applicant issuing threats of dismissal from service.

4. The second submission is that delayed F.I.R. is one of the important issue, which this Court must take note of, and explanation for the same. According to learned Counsel for the applicant, handloan as was given to the tune of Rs. 2000/- to the husband of the complainant since was not refunded, the offence came to be registered against the applicant, with false implication.

5. Learned A.P.P. opposed the application for grant of bail based on the investigation and statement of witnesses would urge that there is strong *prima facie* case against the applicant and the applicant since is involved in serious offence, the application be rejected.

6. Perused the investigation papers. It is required to be noted that the offence as alleged to have been committed on 20/07/2015 for which F.I.R. came to be lodged almost after period of three months, for which there is hardly any evidence on record to conclude that the applicant is *prima facie* involved in the crime in question. Apart from above, learned Counsel for the applicant was right in submitting that the applicant neither employed in Z.P. nor politician so as to keep the applicant away from her service, in case if she has not acceded to the act of the applicant of the crime in question.

7. In this background, in my opinion, the applicant is entitled to be released on bail. Hence, the following order.

The applicant be released on bail in connection with Crime No. 113 of 2015 registered with Dindrud Police Station, District Beed for the offence punishable under Sections 376, 452, 506 of the Indian Penal Code Code, upon furnishing P.R. bond of Rs.25,000/- with one surety in the like amount. The applicant shall not enter the village Rajewadi, Taluka Majalgaon, District Beed for period of six months from today.

8. The application is allowed in above terms.

[N.W. SAMBRE, J.]

Tupe/08.02.16