

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 741 OF 2016

Shivdasappa s/o Gopalappa Waghmare,
Age : 52 years, Occu. Agriculture,
R/o Jambgavan, Tq. Aundha (N),
District Hingoli

APPLICANT

VERSUS

The State of Maharashtra,
through Police Station Officer,
Police Station Hatta, Taluka
Basmat, District Hingoli

RESPONDENT

Mr. Swapnil S. Rathi, Advocate for the applicant
Mr. U.S. Mote, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 14/03/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by Hatta Police Station, Taluka Basmat, District Hingoli in Crime No. 78/2015, registered for the offences punishable under section 376 (1), 366, 342, 343, 344, 370 (1) (2), 370 (A)(2), 506, 34 of the Indian Penal Code and under section 3 (1) (12), 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and

under section 5 (1) (c), (g) (h) of the Immoral Traffic (Prevention) Act, 1956, is praying for his release on bail.

3. The complaint of the victim would show that she being deserted by her husband was residing at her parents' home. However, ultimately, she left the parents' home and while she was sitting as destitute on the road, the Nanded police took her to the observation home. Thereafter, however, the present applicant and the uncle of the victim took her from the observation home. Thereafter, the present applicant kept her in his house and forcibly committed sexual intercourse with her by keeping her locked in the room. After eight days, he managed to give her possession to one named auto-rickshaw driver and thereafter, she was again handed over to certain unknown person (eunuch) who took her to Rajasthan. From Rajasthan, she managed to escape and return back within about ten weeks and the complaint came to be filed.

4. Mr. S.S. Rathi, learned counsel for the applicant submitted that the chargesheet is already filed and the investigation is complete and in fact, the

applicant is falsely involved in the offence. He, therefore, prayed that the applicant be released on bail.

5. The learned A.P.P. submitted that the present applicant is an accused in eight cases, under the provisions of Mumbai Police Act, Bombay Prohibition Act, etc. and under section 324, 504 and 506 of the Indian Penal Code.

6. Considering all the material on record and finding that the trial may take its own time, the applicant deserves to be released on bail. Hence, the following order.

7. The applicant be released on bail in Crime No. 78/2015, registered with Hatta Police Station, Taluka Basmat, District Hingoli, for the offences punishable under section 376 (1), 366, 342, 343, 344, 370 (1) (2), 370 (A)(2), 506, 34 of the Indian Penal Code and under section 3 (1) (12), 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under section 5 (1) (c), (g) (h) of the Immoral Traffic (Prevention) Act, 1956, on his executing P.R. bond in

the sum of Rs. 20,000/- (rupees twenty thousand) and also upon furnishing surety in the like amount.

. The applicant shall attend Hatta Police Station, District Hingoli on every 1st Monday of each month between 9.00 a.m. and 10.00 a.m. for a period of one year from the date of this order.

8. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

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