

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1714 OF 2016

Sameer Suresh Wakhare,
Age : 33 years, Occu. Advocate,
R/o H. No. 18, Bagroja Hudco Colony,
Near Delhigate, Ahmednagar

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

Mr. Vijay R. Gundecha, Advocate for the applicant
Mr. A.R. Borulkar, A.P.P. for the respondent-State
Mr. Nitin B. Suryawanshi, Advocate to assist the A.P.P.

CORAM : M.T. JOSHI, J.

DATE : 06/04/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicant who is arrested by Kotwali Police Station, District Ahmednagar in Crime No. I-78/2016 registered for the offences punishable under section 376 (n), 354, 341, 323, 504, 506 read with section 34 of the Indian Penal Code, is praying for his release on bail.
3. The complaint filed by the victim of the

offence dated 1st March, 2016 would show that while she is senior advocate, the applicant was the junior advocate and as such, he had joined her office. Thereafter, in the year 2013, he attempted to make sexual advances but the same were warded off. Thereafter, the parents as well as the wife of the applicant started pursuing her in the direction.

. In the year 2014, while both of them i.e. the victim and the applicant had halted in a hotel, in view of the sudden illness of the victim, the present applicant took undue advantage of the same and had forcible sexual intercourse with her. Thereafter, he promised her that he would treat the victim as his wife. Thereafter, however, he started beating the victim in presence of his parents and the wife. In the circumstances on 29th February, 2016, the applicant's father obstructed the complainant on road and abused her. Thereafter, the applicant came to the beauty parlour of his wife while the victim was there and there, he again made sexual advances against her. In the circumstances, the complaint came to be registered.

4. Learned counsel for the applicant submitted

that the applicant was arrested on 1st March, 2016. The investigation is complete. The long standing relations between the parties would show that only to harass the applicant, false allegations of forcible sexual intercourse are made against the present applicant.

5. Learned A.P.P. and learned counsel assisting the learned A.P.P. opposed the application. They submitted that the victim would have no business to make false complaint against the applicant.

6. Considering the overall material on record, since the investigation is now complete, in the background of prosecution allegations, the applicant can very well be released on bail. Hence, the following order:-

7. The applicant be released on bail in Crime No. I-78/2016 registered with Kotwali Police Station, District Ahmednagar for the offences punishable under section 376 (n), 354, 341, 323, 504, 506 read with section 34 of the Indian Penal Code, on his executing P.R. bond in the sum of Rs. 15,000/- (rupees fifteen thousand) and also upon furnishing surety in the like

amount.

8. The applicant shall not attempt to influence any of the prosecution witnesses, including the complainant, in any manner.

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

[M.T. JOSHI]
JUDGE

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