

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1802 OF 2016

Ajay alias Ajinath S/o Sahinath Kale,
Age : 26 years, Occu.: Agriculture,
R/o : Village Tajnapur,
Taluka : Khultabad,
District : Aurangabad

(At present the applicant is in
Aurangabad Central Prison, Harsool,
Aurangabad, Taluka and District -
Aurangabad)

.. Applicant/
Accused

Versus

The State of Maharashtra,
Through the Police Inspector,
Khultabad Police Station,
Khultabad, Taluka : Khultabad,
District : Aurangabad

.. Respondent

.....

Mr. Rajendra S. Deshmukh, Advocate for the applicant
Mr. U.S. Mote, APP for the respondent-State

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CORAM : M.T. JOSHI, J.
DATED : 11/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who was arrested by
Khultabad Police Station, Tq. Khultabad, Dist.

Aurangabad in Crime no. 0067 of 2016 for the offences punishable under section 376, 307, 452, 506 of the Indian Penal Code, is praying for his release on bail.

3. The applicant was arrested on 15/02/2016. The complaint of the 19 years old victim of the offence dated 15/2/2016 would show that on 30/01/2016, in the noon, the present applicant who is her distant relative, had entered her house when she was all alone and, thereafter, he committed forcible sexual intercourse with her. Thereafter, he forcibly administered poison to her and went away. She was thereafter taken to Government Hospital at Bazar Sawangi by her brothers. Thereafter while narrating the history, she became unconscious and, therefore, the complaint came to be filed on 15/02/2016.

4. Since the FIR is filed after about 15 days of the incident, the medical evidence in this regard is of no use, as no injuries were found by the Medical Officer. The earlier examination of the victim at Bazar Sawangi would show that the victim was conscious

on that day. However, since it was a case of poisoning, the Medical Officer immediately started examining and treating her.

5. Mr. Deshmukh, learned counsel for the applicant submits that in-fact, it is a case of love affair, not approved by the family members and, therefore, a false complaint came to be filed.

6. Learned A.P.P. opposed the application. He submits that statement of the victim would show that the victim was forcibly subjected to sexual intercourse.

7. Considering all the material on record and finding that the trial may take its own time, in my view, the present applicant can very well be released on bail on certain conditions.

8. Hence, the following order:-

I) The Application is allowed.

II) The applicant be released on bail in Crime

no.0067 of 2016 registered with Khultabad Police Station, Tq. Khultabad, Dist. Aurangabad for the offences punishable under section 376, 307, 452, 506 of the Indian Penal Code, upon his executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) and also upon furnishing surety in the like amount.

III) The applicant shall not enter the territorial limits of Taluka - Khultabad, District - Aurangabad, for a period of two (2) years, or till the trial is concluded, whichever occurs earlier, without any prior permission from the concerned Sessions Court.

IV) The applicant shall not in any way attempt to influence the prosecution witnesses in any manner.

9. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/-