

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

CRIMINAL APPLICATION NO. 2554 OF 2016

Mahendra s/o Dagdu Hiwrale,
Age: 25 years, Occ: Service,
R/o. Lasur Station, Tq. Gangapur,
Dist. Aurangabad.

...Applicant

versus

The State of Maharashtra
Through Shillegaon Police Station,
Tq. Gangapur, Dist. Aurangabad.

...Respondent

.....
Mr. S.G. Kawade, Advocate for applicant
Mr. SY. Mahajan, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 23rd JUNE, 2016

ORAL ORDER :

From the contents of first information report in Crime No. 48 of 2016 registered on 19/02/2016 with Shillegaon Police Station, District Aurangabad, for an offence punishable under Sections 376, 313, 420, 323, 504, 506 of the Indian Penal Code, it could be inferred that the complainant/victim Monika was aware about first marriage of the applicant. The perusal of first information report depicts that Monika has narrated improbable story.

2. The fact remains that she claimed to have undergone

abortion, however, still she continued physical relation with the applicant, which speaks voluminous of the consent of the complainant.

3. In this background, it will be appropriate, in my opinion to protect the applicant. Hence, the following order:-

(i) In the event of arrest, the applicant be released on bail, in connection with Crime No. 48 of 2016 registered with Shillegaon Police Station, District Aurangabad, for an offence punishable under Sections 376, 313, 420, 323, 504, 506 of the Indian Penal Code, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.

(ii) The applicant shall not tamper with the prosecution evidence.

(iii) The applicant shall attend the trial regularly before Sessions Judge and shall not cause protraction of trial, which may entail Sessions Judge, if required, with the cancellation of his bail.

4. The application stands allowed in above terms.

[N.W. SAMBRE, J.]