

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

CRIMINAL APPLICATION NO.2910 OF 2016

Pralhad s/o Jagannath Kahejekar,
Age 28 years, Occu. Labour,
R/o Dhokateshwar, Taluka
Badnapur, District Jalna

..Applicant

Versus

The State of Maharashtra,
through Kadim Police Station,
Jalna, Taluka and Dist. Jalna

..Respondent

Mr P.B. Rakhunde, Advocate for applicant
Mr A.S. Shinde, A.P.P. for respondent

CORAM : A.M. BADAR, J.

DATE : 20 September 2016

PER COURT

1. The applicant/accused in Crime No.15/2016, for the offences punishable under Sections 163, 366, 376 (2) (n), 342, 323, 504 and 506 read with Sec. 34 of Indian Penal Code, registered at Police Station Kadim, Jalna, by this application is seeking his release on bail after filing of the charge-sheet.

2. Heard the learned Counsel for the applicant/accused. He argued that the F.I.R. itself shows that this is a case of consensual sex. Learned Counsel further argued that now the investigation of the crime in question is over and there is no need to detain the applicant anymore.

3. The learned A.P.P. opposed the application by contending that statements of neighbours as well as witnesses are corroborating the version of prosecutrix and the present applicant had confined the prosecutrix in his house and thereafter committed rape on her.

4. Perused the F.I.R. lodged by the prosecutrix on 18.1.2016. The prosecutrix had reported that her marriage was to be solemnised on 20.11.2015. She as well as her father were at the house of her step mother at Basar in Karnataka. The prosecutrix further reported that two or three days prior to Deewali festival, she and her father left Basar for Purna for distributing her marriage invitation cards. As reported by the prosecutrix, at Aurangabad railway station, she could not find out her father who was also traveling in that train. Therefore, she alighted from the train and searched for her father. She then went to bus stand at Aurangabad and stayed there for a night. In the morning, she took a train for Purna but alighted from that train at Jalna. According to the prosecutrix, at the platform of Jalna railway station, the applicant contacted her and assuring that he will marry her, forcibly took her to village Dhopteshwar in Badnapur taluka by rickshaw. He told to inmates in his house that he is going to marry the prosecutrix. Then she was confined in the house of applicant where she was raped for a period of one and half month. She attempted to rescue herself on 14.1.2016, but the applicant again confined her. Then, on 16.1.2016, she left the house of the applicant in wee hours. At that time also, the present applicant attempted to obstruct her, but because of intervention of some other people, she could manage to rescue herself.

5. According to prosecution case, the prosecutrix was confined in the house of applicant. Statement of Uttamrao Khajekargoes to show that the prosecutrix was permitted to come out the house of the

applicant. Still it appears that she continued to stay with the applicant for a period of one and half month.

6. Considering the fact that the prosecutrix has herself joined the company of the applicant at Jalna railway station and accompanied him to village Dhopteshwar and stayed at that village for a period of about one and half month, I am of the opinion that further pre-trial of the applicant is not necessary. Therefore, the following order :

ORDER

(I) The application is allowed.

(II) The applicant/accused in Crime No.I-15/2016 registered at Kadim Jalna Police Station, District Jalna for the offences punishable under Sections 363, 366, 376(2)(n), 343, 323, 504 and 506 of Indian Penal Code be released on bail on executing P.R. Bond of Rs.25,000/- and on furnishing one surety in the like amount.

(III) As a condition of this order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(IV) The applicant shall not tamper the evidence of the prosecution.

(A.M. BADAR, J.)