

(1)

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

CRIMINAL APPLICATION NO. 2939 OF 2016

Swapnil Arun Gosavi

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr V. Y. Bhide, Advocate for applicant;

Mr S. J. Salgare, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 29th June, 2016

ORDER :

The applicant is seeking his release on regular bail, in connection with Crime No. I-22 of 2016, registered with Ashvi Police Station, Tq. Sangamner, Dist. Ahmednagar, for offences punishable under Section 376, 406, 416, 419, 420, 494, 498(A), 504 and 506 read with Section 34 of the Indian Penal Code.

2. The alleged incident claims to have taken place from 7th June, 2014 to 9th October, 2015. The first information report came to be lodged on 4th May, 2016 i.e. after about a year of the alleged incident.

3. Perused the contents of the first information report. Upon perusal of the first information report, prima facie depicts that there is doubt as regards attracting of provisions of Section 376 of the Indian Penal Code.

(2)

The applicant was arrested on 6th May, 2016 and was subjected to custodial interrogation.

4. In my opinion, the probable story, as narrated in the first information report, do not warrants further custodial interrogation of the applicant.

5. In the above background, it will be appropriate to enlarge the applicant on bail. Hence I pass following order :

(i) The applicant be released on bail, in connection with Crime No. I-22 of 2016, registered with Ashvi Police Station, Tq. Sangamner, Dist. Ahmednagar, for offences punishable under Section 376, 406, 416, 419, 420, 494, 498(A), 504 and 506 read with Section 34 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 enter the jurisdiction of Sangamner Taluka. He shall not tamper with the prosecution evidence and witnesses.

(iii) The applicant shall co-operate in getting decide the trial before Court below and will not protract the trial, by asking unnecessary adjournment.

Criminal Application stands allowed in above terms.

(3)

It is noticed that the applicant is trying to protract the trial. The Court below will be at liberty to proceed against applicant in cancelling the bail granted by this Court, if so desired.

(N.W. SAMBRE, J.)

sjk