

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

CRIMINAL APPLICATION NO.2986 OF 2016 IN
CRIMINAL APPEAL NO.349 OF 2016

Sachin s/o Machhindra Jadhav ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Shri V.I. Thole, Advocate for applicant
Shri R.V. Dhasalkar, A.P.P. for respondent / State
.....

CORAM: A.I.S. CHEEMA, J.

DATED: 9th June, 2016.

ORAL ORDER :

1. Heard learned counsel for the applicant and learned A.P.P. for the State. It is stated by the counsel for applicant - accused that, even in the trial Court he was on bail and did not misuse the liberty. It is stated that, the prosecutrix was 21 years of age in 2012 and there was engagement between the accused and the prosecutrix and in these set of facts, it cannot be said that the accused committed rape on her. It is stated that, in the

course of their engagement period, it transpired to the accused that there were certain messages on the mobile of the prosecutrix, which created doubt in the mind of the accused and there was a meeting, in which differences of opinion cropped up and because of that, the relationship landed in trouble. According to the learned counsel, the applicant - accused has good case on merits and he may be granted bail.

2. The learned A.P.P. states that, it is a serious offence of Section 376 of the Indian Penal Code and the sentence passed is of seven years imprisonment, and bail should not be granted.

3. Going through the material available on record, there are good grounds due to which it would be appropriate to suspend the sentence of imprisonment and release the applicant - accused on bail, keeping in view the evidence of the prosecutrix, copy of which has been filed, and the submissions made before me. The matter would take its own time to be decided on merits. At present, it would be in the interest of justice that the applicant is released on bail. The learned counsel for the applicant - accused states that, the accused is resident of Pune while the prosecutrix is resident of Nasik and the accused undertakes not to trouble the prosecutrix in any manner or to go

to Nasik. The undertaking is accepted.

4. The application is allowed. Subject to depositing amount of fine, the sentence of imprisonment of the applicant - accused is suspended till decision of the appeal which has been admitted. The applicant - accused shall be released on P.R.B. and S.B. of Rs.25,000/- (Rupees twenty five thousand) to be submitted before the trial Court. The trial Court, while releasing the applicant - accused on bail, shall add condition of applicant - accused marking presence in the trial Court every three months, till disposal of the Criminal Appeal. Trial Court shall yearly send report in January of marking presence by accused in this regard to this Court till disposal of appeal.

(A.I.S. CHEEMA, J.)

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