

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

Criminal Application No. 3229 of 2016

District : Osmanabad

Angad Gorakh Nagargoje,
Age : 49 years,
Occupation : Labour,
R/o. Jaywant Nagar,
Taluka : Bhoom,
District : Osmanabad.

.. Applicant.

versus

The State of Maharashtra,
Through Police Station,
Bhoom, Dist. : Osmanabad.

.. Respondent.

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Mr. S.J. Salunke, Advocate, for the applicant.

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

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CORAM : A.M. BADAR, J.

DATE : 1ST SEPTEMBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 105/2015, for the offence punishable under Section 376(1) of the Indian Penal Code, registered with Police Station, Bhoom, District Osmanabad, at the instance of the prosecutrix, by this application, is seeking his release on bail.

2. Heard the learned Counsel for the applicant / accused as well as the learned Addl. Public Prosecutor appearing for the respondent / State.

3. The learned Addl. Public Prosecutor argued that first bail application of the applicant was withdrawn with liberty to file fresh application only after receipt of Chemical Analyzer's report. The learned Addl. Public Prosecutor further submits that Chemical Analyzer's report shows stains of semen of "A" blood group on petticoat of the prosecutrix so also on full pant of the present applicant. The learned Addl. Public Prosecutor further submits that blood group of the present applicant is "A" and, therefore, complicity of the applicant in the crime in question is established.

4. Perused the charge-sheet. According to the prosecution case, as reflected from the version of the prosecutrix, present applicant committed rape on her on 22.09.2015 when she had been to the neighbouring field for attending call of nature. The prosecutrix further reported that then she disclosed the incident to her husband and her husband had slapped the applicant.

5. Now investigation is over. The applicant

seems to be having deep roots in the society and permanent resident of village Jaywantnagar, Taluka Bhoom, District Osmanabad. The trial against him will take its own time. From the Roznama placed on record, it is seen that as yet no charge is framed. In this view of the matter, I do not see any reason to deny bail to the applicant.

6. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, be released on bail on his executing P.R. Bond in the sum of Rs. 15,000/- and on furnishing one or more solvent sureties of the like amount.

(c) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(d) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial.

(e) The applicant shall not repeat commission of

similar type of offences in future.

7. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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