

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

Criminal Application No. 3948 of 2016

District : Ahmednagar

Rajendra s/o. Ashok Kothule,
Age : 28 years,
Occupation : Business,
R/o. Khadki,
Taluka & District : Ahmednagar. .. Applicant.

versus

The State of Maharashtra. .. Respondent.

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Mr. N.C. Garud, Advocate, for the applicant.

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

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CORAM : A.M. BADAR, J.

DATE : 16TH AUGUST 2016

ORAL ORDER:

The applicant / accused in Crime No. I-127/2016, registered with Kotwali Police Station [District : Ahmednagar], by this application is praying for releasing him on bail after filing of the charge-sheet.

2. Heard the learned Counsel for the applicant

as well as the learned Addl. Public Prosecutor for the respondent - State.

3. The learned Addl. Public Prosecutor opposed the application by contending that there are eye witnesses to support the version of the prosecution and the offence alleged to have been committed by the present applicant is serious in nature.

4. Perused the FIR lodged by the victim lady, so also the charge-sheet.

5. The prosecutrix was married with Mahesh Chandrakant Kholam. However, as their matrimonial life suffered rough weather, there was separation. A female child born out of the this wedlock was with the prosecutrix. According to the case of prosecution, the prosecutrix became acquainted with the present applicant at her work place. It is alleged by the prosecutrix that in December 2015, she was allured by the present applicant to accompany him in a car and she was taken a garage of co-accused Kisan Balasaheb Bhapkar. There she was raped by the present applicant. It is further averred that on subsequent occasions also, the applicant had committed rape on prosecutrix from time to time by taking her out on several pretext, so also at her own house also. According to the prosecution case, fade up with the harassment by the present applicant, the

prosecutrix attempted to indulge in self-effacement after administering poison to her child as well as by consuming poison by herself. Ultimately, the prosecutrix survived whereas her female child died in the incident. Subsequently, husband of the prosecutrix lodged report against her for offence punishable under Section 302 of the IPC on 29th March 2016. Thereafter, the prosecutrix has chosen to lodge report against the present applicant on 6th April 2016, which has resulted in registration of the crime in question.

6. Bare perusal of the FIR goes to show that the prosecutrix is an adult lady of consenting age. She has developed intimacy with the present applicant at her work place and subsequently they indulged in sexual relations which continued for fairly long time. During this period, the prosecutrix never protested though she was residing at her parental house with her parents and brothers. Considering the nature of evidence, further pre-trial detention of the applicant is not warranted. There is no possibility that the applicant would flee from justice.

7. Hence, the order :-

(i) The application is allowed.

(ii) The applicant / accused in Crime No. I-127/2016, registered with Kotwali Police Station [District : Ahmednagar], be released on bail on his furnishing P.R. Bond in the sum of Rs. 15,000/- and on furnishing sureties in the like amount.

(iii) 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.

(iv) 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.

8. The application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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