

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

15 CRIMINAL APPLICATION NO. 4300 OF 2016

RAJU S/O RATAN JADHAV

VERSUS

THE STATE OF MAHARASHTRA

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Mr. B.R.Kedar, Advocate for Applicant.

Mrs. V.N.Patil (Jadhav), A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 24th AUGUST, 2016

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PER COURT :

1. Applicant/accused in Crime No. 164/2016 registered at Bhokardan police station, Dist. Jalna for the offences punishable u/ss 376,452,506 of the Indian Penal Code at the instance of the prosecutrix by this application is praying for releasing him on bail after filing of the charge sheet.

2. Heard learned counsel for the applicant as well as learned A.P.P. Learned A.P.P. opposed the application by contending that the offence is heinous and the applicant was caught raid handed while running away from the house of the

prosecutrix when the prosecutrix was shouting.

3. Perused papers of investigation. Prosecutrix is married lady aged about 27 years having 2 children. She reported that on 15/07/2016 when she was sleeping inside her house, present applicant, who is her neighbour, entered in her house and committed rape on her. She reported that her shouts were heard by her brother-in-law and her another relative. When these 2 persons came, present applicant ran away from the spot.

4. Learned counsel for the applicant drew my attention to several letters written by the informant/prosecutrix to the present applicant reflecting their love affair. The applicant appears to be younger than the prosecutrix, who is married lady. In this context, lodging of F.I.R. with an instinct of self-preservation can not be ruled out.

5. In this view of the matter, as the necessary investigation is virtually over, further pre-trial detention of the applicant is not warranted. Hence, the following order.

(i) The application is allowed.

(ii) Applicant Raju s/o Ratan Jadhav in Crime No. 164/2016 registered at Bhokardan police station, Dist. Jalna for the offences punishable u/ss 376,452,506 of the Indian Penal Code be released on bail on executing P.R. Bond of ₹ 10,000/- [Rupees Ten Thousand] and on furnishing

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.

(v) The applicant shall co-operate the trial Court in the expeditious disposal of trial against him.

[A.M.BADAR, J.]