

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

913 CRIMINAL APPLICATION NO. 4569 OF 2016

JALINDAR @ PINTYA S/O SHANKAR SHINDE

VERSUS

THE STATE OF MAHARASHTRA

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Mr. A.A.Nimbalkar, Advocate for Applicant.

Mr. S.B.Yawalkar, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 1st SEPTEMBER, 2016

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PER COURT :

1. The applicant/accused in Crime No. 6/2016 registered at Kaij police station, Dist. Beed for the offences punishable u/ss 376,365,366,342,323,504,506 read with 34 of the Indian Penal Code at the instance of the prosecutrix, by this application are praying for releasing them 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 crime in question is serious and by abducting woman by applying force, 4 persons took her and

accused Pintya committed rape on her. Therefore, in submission of the learned A.P.P., present applicant is not entitled for bail.

3. Perused charge sheet. The incident in question took place on 05/01/2016. The report thereof is lodged by the prosecutrix on 13/01/2016. Accused persons, as seen from the charge sheet, are relatives of the prosecutrix.

4. According to the prosecutrix, from one month prior to the incident, she along with her husband were residing with her father Janardhan Ganpati Kale at village Daithana. In the night hours on 05/01/2016, present applicant and 3 co-accused came to the house of her father and abducted her. She was then detained at the house of the present applicant, where she was subjected to rape by the present applicant at about 12.00 mid-night of 06/01/2016. The prosecutrix further averred that at that time her husband Laxman Saheb Shinde came. He was then assaulted by all 4 accused persons and ultimately they left the couple at Fakarabad road at about 3.00 a.m. in the night.

5. Perusal of the charge sheet shows that the prosecutrix and her husband were not having cordial relations with accused persons. Statement of father of the prosecutrix viz. Janardhan Kale shows that with the allegation that husband of the prosecutrix has abducted one lady from the family of the accused persons, all accused persons including present applicant came to the house of Janardhan and

abducted the prosecutrix. Statement of Janardhan shows that accused persons declared that unless the missing woman is found, prosecutrix will not be released. Similar story is seen from the statement of Balasaheb, who had taken Janardhan to the house of the present applicant.

6. Now, investigation is over. The prosecutrix is matured lady. Charge sheet *prima facie* shows that accused persons were pointing out accusing finger to the husband of the prosecutrix with an allegation that he had abducted a woman from their family. In such a situation, adding embellishment to her version by the prosecutrix can not be ruled out. After filing of charge sheet, further pre-trial detention of the applicant needs to be protected. Hence, the following order.

(i) The application is allowed.

(ii) Applicant Jalindar @ Pintya s/o Shankar Shinde in Crime No. 6/2016 registered at Kaij police station, Dist. Beed for the offences punishable u/ss 376,365,366,342,323, 504,506 read with 34 of the Indian Penal Code be released on bail on executing P.R. Bond of Rs. 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 to co-operate the trial Court in the expeditious disposal of trial against him.

[A.M.BADAR, J.]

KNP/Cr.Apln. 4569.2016