

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

CRIMINAL APPLICATION NO. 5933 OF 2016

Shaikh Waseem s/o. Shaikh Mubarak .. Applicant
Age. 19 years, Occ. Driver,
R/o. Naigaon Sawangi,
Tq. and Dist. Aurangabad.

Versus

The State of Maharashtra .. Respondent

Mr.H.V. Tungar, Advocate for the applicant.
Mr.S.M. Ganachari, APP for respondent/State.

CORAM : A.M. BADAR,J.
DATED : 25.10.2016

P.C. :-

1. The applicant/accused in Crime No.170 of 2016 registered with Waluj Police Station, Aurangabad, for offence punishable under section 376(f), 506 of the Indian Penal Code, by this application, is seeking his release on bail after filing of charge-sheet.

2. Heard learned Counsel for the applicant as well as learned A.P.P.

3. Learned A.P.P. opposed the application by contending that the crime in question is serious and the statement of the prosecutrix is gaining corroboration from other material collected by the investigator.

4. I have perused the charge-sheet. The crime in question is registered on the basis of report of 26 years old prosecutrix. As per her version, after death of her husband, prior to seven years, she came in contact with the present applicant, who is related to her husband. The applicant insisted her to marry and had also threatened her. Subsequently, as per version of the prosecutrix, she agreed to marry the applicant and the applicant thereafter established sexual relationship with her. Then, the applicant refused to marry her.

5. Rabiabi is mother-in-law of the prosecutrix. Her statement reveals that from the year 2014, the applicant and the prosecutrix are in relation and the applicant used to stay at the house of the prosecutrix.

6. Prima facie, this appears to be a case of consensual sex. As such, further pre-trial detention of the applicant after filing of the charge-sheet is not warranted. Therefore, the order :-

O R D E R

- i) The application is allowed.
- ii) Applicant/accused – Shaikh Waseem s/o. Shaikh Mubarak, in Crime No.170 of 2016 registered with Waluj Police Station, Aurangabad, for offence punishable under section 376(f), 506 of the Indian Penal Code, be released on bail on executing P.R.Bond of Rs. 20,000/- [Rupees Twenty 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.]