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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1276 OF 2016

Anil Dhule	 Applicant
V/s.	
The State of Maharashtra	 Respondent.

Mr. Rameshwar N. Gite, for the Applicant.
Mr. Arfan Sait, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 5th AUGUST, 2016.

P.C. :

1. The applicant/accused, in Crime No.I-3/2015, registered with Barhe Police Station, Taluka: Surgana, District: Nashik, for the offence punishable under Sections 376, 363, 342 506 r/w 34 of the Indian Penal Code, at the instance of prosecutrix, by this application is seeking bail, after filing of the chargesheet.
2. Heard the learned counsel for the applicant as well as the learned APP.
3. The learned APP opposed the application by contending that the crime in question is serious.
4. The perusal of the F.I.R. lodged by prosecutrix goes to show

that she is adult lady knowing consequences of her acts. She averred in the F.I.R. that on 14.12.2015, the present applicant alongwith Deoram Daji, abducted her and by taking her to Songir from village Devla, she was raped by the present applicant. The chargesheet shows that subsequently the prosecutrix added embellishment to her version on 03.01.2016, by stating that Deoram Daji had no role in her abduction. In this supplementary statement, the prosecutrix stated that the applicant dragged her inside the forest and when they were proceeding towards Palsan village, they saw Deoram Daji proceeding by the motorcycle. The prosecutrix further stated that Deoraj Daji gave lift to them and the applicant then took her to Songir. The statement of sole Deoram Daji reveals that the prosecutrix voluntarily accompanied the present applicant and the present applicant had informed Deoram Daji that they are going to marry. The couple resided at the house of Ramila Gaikwad at night time. Statement of Ramila shows that couple resided there as husband and wife.

5. Considering this nature of evidence against the present, his further pre-trial detention is not warranted and as trial will take its own time. There is nothing to apprehend that the applicant would thwart the course of justice. The application is allowed.

Order

- I) The application is allowed.
- II) The applicant arrested in connection with above offence, be released on bail on his executing P.R. Bond in the sum of Rs.10,000/- and on his furnishing surety 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 attend the trial scrupulously and shall co-operate the trial Court in expeditious disposal of the case.
- V) The applicant shall not tamper with the prosecution evidence in any manner.
- VI) The applicant shall not repeat commission of similar type of offence in future.

[A. M. BADAR, J.]