IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CRIMINAL APPLICATION (BA) NO.268 OF 2016
(Ashish s/o Sanjay Gajbhiye ..vs.. The State of Maharashtra, through PSO, PS Jaripatka, District Nagpur)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATED : 06-04-2016

Heard Shri L.B. Khergade, Advocate for the applicant and Shri N.B. Jawade, Additional Public Prosecutor for the non-applicant/State.

2. The learned Additional Public Prosecutor seeks time to file reply. However, considering the facts of the case as recorded in the order passed by the learned Additional Sessions Judge and after going through the report lodged by the prosecutrix, I have taken the matter for hearing.

3. The applicant is arrested on 28-11-2015 in crime registered against him for offences punishable under Sections 376, 343 and 323 of the Indian Penal Code. The complainant (prosecutrix, aged about 20 years) lodged report on 27-11-2015 that the applicant/accused (son of maternal uncle of the prosecutrix) was regularly visiting her house, that the families of the applicant and complainant had gone for picnic on 13-12-2014 where at

midnight the applicant/ accused committed sexual intercourse with her and thereafter committed the act on several occasions. According to the complainant, her parents requested the parents of the applicant/accused that marriage of the applicant and the complainant be solemnized , however, they refused.

4. The charge-sheet is filed. The facts, as recorded in the order passed by the learned Additional Sessions Judge does not show that custody of the applicant is required for further investigation.

Considering the nature of accusations against the applicant and the facts on record, in my view, the applicant is entitled to be released on bail.

5. Hence, the following order :

i) The applicant having been arrested in Crime No.779/2015 registered by the non-applicant, he be released on bail on furnishing P.R. Bond for Rs.20,000/- and one solvent surety in the like amount.

ii) The application is allowed in the above terms.

Criminal Application (APPP) Nos.430 and 431 of 2016.

In view of disposal of main application, the application praying for grant of time to file certified copies of impugned order and bail application filed

before the Sessions Court, say of APP and copy of charge-sheet has become infructuous. It is disposed accordingly.

JUDGE

pma