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

CRIMINAL APPLICATION NO.17 OF 2017

Sayaji Ramnath Amale,
Aged 28 years, Occu. Agriculture,
R/o Savargaon Ghule,
Tal. Sangamner, Dist. Ahmednagar,
Present Resi. At Lahit (Bk),
Tal. Akole, Dist. Ahmednagar ..APPLICANT

VERSUS

The State of Maharashtra,
through Police Station In-charge,
Akole police station, At & Tal. Akole,
Dist. Ahmednagar ..RESPONDENT

Mr V.Y. Bhide, Advocate for applicant;
Mr R.V. Dasalkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 27th January, 2017

ORAL ORDER

Heard.

2. By the present application under Section 439 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.I-154 of 2016, registered with Akole police station, for offences punishable under Sections 376, 366, 504, 506 of the Indian Penal Code, Sections 3(1) (xii) and 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 3 (1) (r) (s) of the Amendment Act of 2015.

(2)

3. The applicant came to be arrested on 2nd December, 2016, pursuant to a complaint lodged by one Pratibha, the victim in the present case.

4. From the contents of the first information report, the case of the prosecution appears to be that the applicant promised said victim Pratibha of marriage, took her at various places, established physical relationship and when the said relationship was resisted by her maternal uncle, he abused them by uttering caste based insulting words in public view.

5. From the contents of the first information report and other material available on record, prima facie it could be inferred that the complainant either was in love with the applicant or there was consent qua the alleged physical relationship, as the complainant travelled with the applicant from place to place without showing any resistance.

6. It is also to be noted that the fact that the applicant was a married person was well within the knowledge of the complainant as could be inferred from the narrations made by her in the first information report.

7. The investigation in the matter is at advanced stage and custodial interrogation of the applicant is already over. The applicant has co-operated with the investigation and the medical tests as regards his involvement in the crime in question are already completed.

(3)

8. In the above background, in my opinion, no purpose would be served by continuing further detention of the applicant. In view thereof, the applicant is entitled to be released on bail. I, therefore, pass following order :-

The applicant be released on bail, in connection with C.R. No.I-154 of 2016, registered with Akole police station, for offences punishable under Sections 376, 366, 504, 506 of the Indian Penal Code, Sections 3(1) (xii) and 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 3 (1) (r) (s) of the Amendment Act of 2015, on furnishing P.R. Bond of Rs.20,000/- with one or two sureties for the like amount.

The applicant shall not take any steps to tamper with the prosecution witnesses or tamper with evidence.

Till filing of the charge-sheet, the applicant shall not enter the jurisdiction of the concerned police station.

Two consecutive absence of the applicant before the Trial Court will entail the said Court to take up proceedings for cancellation of bail.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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