

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

CRIMINAL APPLICATION NO.1003 OF 2017

Chhaban s/o Macchindra Khemnar
Age 26 years, Occu. Agri.,
R/o Jambhulwadi, Taluka Sangamner
District Ahmednagar

.. Applicant

Versus

The State of Maharashtra,
through in-charge Police Station
Officer, Ghargaon Police Station,
Taluka Sangamner,
District Ahmednagar

.. Respondent

Mr A.T. Kanawade, Advocate for applicant
Mr K.N. Lokhande, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 2nd March 2017

PER COURT

Heard.

2. In C.R. No.I-117/2016, registered at Ghargaon Police Station, District Ahmednagar, for the offences punishable under Sections 376-A, 506 of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, the applicant is seeking bail, who was arrested on 20th November 2016.

3. Victim Monali is related to the applicant and it is claimed by her that on 20th November 2016, the applicant committed rape resulting into registration of crime in question.

4. Investigation in the matter is complete, as the charge-sheet is already filed. The applicant was subjected to custodial interrogation and there are no criminal antecedents.

5. Though the victim, in categorical terms narrates about the sexual intercourse, however, the medical evidence does not support the case of the prosecution, as is apparent from the report to that effect furnished by the Doctor who is examined the victim and the applicant.

6. In the aforesaid backdrop, as the applicant is very much available for prosecution, in my opinion, deserves to be released.

7. The applicant be released on bail in C.R. No.I-117/2016, registered at Ghargaon Police Station, District Ahmednagar, for the offences punishable under Sections 376-A, 506 of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, upon furnishing P.R. bond of Rs.15,000/- with one or two sureties in the like amount.

8. The applicant shall not influence the prosecution witnesses and shall not tamper with the evidence.

9. Two consecutive absence of the applicant before the trial Court shall entail cancellation of bail. The learned Judge may take out proceedings, if so desired.

10. Criminal Application stands allowed accordingly.

(N.W. SAMBRE, J.)