

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1178 OF 2017

Mahendra s/o. Bajirao Maharnor

....Applicant.

Versus

The State of Maharashtra

....Respondent.

Mr. N.V. Gaware, Advocate for applicant.

Mr. K.N. Lokhande, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 20th March, 2017.

ORDER :

1. The application is filed for bail. Both the sides are heard.
2. The submissions made show that investigation is almost completed. The statement of prosecutrix is on the record. Her medical examination is also made.
3. The crime is registered on the basis of report given by father of prosecutrix. At the relevant time, prosecutrix is aged about 17 years. The incident took place on 13.1.2017. Allegations are made that there was some affair and the present applicant induced the prosecutrix to live the house of her father and go with him. There are allegations that he took the prosecutrix to various places and there he took sexual intercourse with the prosecutrix. There is the statement of the

prosecutrix to the effect that she was in the company of the present applicant till 22.1.2017.

4. The learned counsel for present applicant submitted that the applicant has been behind bars since 23.1.2017. He submitted that initially there was some talk for settlement, but subsequently, due to some dispute the marriage could not be settled. Though there is some allegation that by showing one photograph, the prosecutrix was taken away, the papers of investigation do not show that such photograph is recovered by the police. In any case, in view of the age of the prosecutrix and the circumstance that it is not possible to dispose of the case in near future, this Court holds that it is not desirable to keep the applicant behind bars. He has no bad antecedents.

5. In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 50,000/- with one solvent surety of like amount. He is not to tamper the prosecution witnesses. He is not to commit similar offence. He is not to enter the village Wangdari (Madnewadi), Tahsil Shrigonda till the disposal of the case which may be filed against him. He is to attend the Court regularly.

[T.V. NALAWADE, J.]

SSC/