

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

CRIMINAL APPLICATION NO. 1518 OF 2017

Deepak s/o. Rangnath Dusane

....Applicant.

Versus

The State of Maharashtra

....Respondent.

Mr. K.N. Shermale, Advocate for applicant.

Mr. S.M. Ganachari, APP for respondent/State.

Mr. P.P. Kothari, Advocate for complainant (appointed).

CORAM : T.V. NALAWADE, J.

DATED : April 5, 2017.

ORDER :

1. The application is filed for bail in Sessions Case No.13/2017, presently pending in the Court of Additional Sessions Judge, Sangamner, District Ahmednagar for the offences punishable under sections 376 (2) (N) etc. of Indian Penal Code.

2. The report was given by the prosecutrix on 23.11.2016 and on that date, she had given her age as 19 years. She had passed 10th standard examination and she was earning livelihood by working in grocery shop. She was living alone in Vijaynagar. It is her case that the persons like Anil Sahane and Sonal Kokane were known to her and so, she had gone to

Dongargaon, Tahsil Akole. There she got acquainted with the present applicant, who is friend of husband of Sonal Kokane. They had an affair and they had physical relationship also. Out of this relationship, she became pregnant and so, on 18.8.2016 she informed to the applicant about the pregnancy. It is her allegation that the present applicant advised her to undergo abortion as he was against giving birth to children. It appears that he refused to marry with her. On the basis of report given by the present applicant, which was given prior to the present report, C.R. No. 280/2016 was registered in Sangamner City Police Station for the offence under section 307, 120-B etc. of I.P.C. against the present informant. During investigation of that matter also, it was confirmed that she is pregnant. Then she gave report of aforesaid nature for the offence of rape.

3. The learned APP submitted that the papers of medical examination show that the prosecutrix is carrying twins and she will be delivering within few days from today. The learned APP submitted that the prosecutrix has expressed that there is threat to her life from the present applicant and so, the applicant should not be released on bail.

4. Considering the place of residence of the prosecutrix

and the place of residence of the present applicant, this Court holds that bail can be granted to the present applicant. He is behind bars since 24.11.2016.

5. So, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs.25,000/- (Rupees twenty five thousand). He is not to tamper with the prosecution witnesses. He is not to commit similar offence. He is not to enter the village where the prosecutrix is living till the disposal of the case.

6. Copy of this order is to be sent to the Court of learned Additional Sessions Judge, Sangamner to see that legal aid is given to Prajakta Raosaheb Mungse, who is detained. Advocate Shri. P.P. Kothari is appointed to represent Prajakta Raosaheb Mungse, who appears to be kept in Jail in C.R. No. 280/2016 registered in Sangamner City Police Station for the offences under sections 307, 120-B of I.P.C. The fees of the advocate appointed will be quantified and paid by the legal aid committee. Copies are to be supplied to Advocate Shri. P.P. Kothari.

[T.V. NALAWADE, J.]

ssc/