

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

9 CRIMINAL APPLICATION NO. 1587 OF 2017

AVINASH S/O. PURUSHOTTAM MA
VERSUS
THE STATE OF MAHARASHTRA

Shri. D.S. Bharuka, Advocate, for applicant.

Shri. A.R. Borulkar, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 18 April 2017

ORDER:

1) The application is filed for bail. Both the sides are heard. A statement was made that this is the first application filed for bail in this Court.

2) The crime is registered on the basis of report given by the prosecutrix who has given her age as 21 years. In the past she used to attend tuition and for that she was using auto rickshaw of the present applicant. When there was quarrel with the present applicant she had given report to Akola Police Station against the

present applicant. After that she had shifted to Parbhani and she was living in a rented room. Allegations are made that on 31-12-2016 in the evening when she was in her room the applicant entered the room, gave threats and raped her and he took photographs of the prosecutrix in his mobile handset and he said that he would make viral the photographs to defame her. Allegation is made that he had stayed in the room on that night. She has made allegations that on 8-1-2017 in the night time the applicant gave threats to her to make video viral if she was not withdrawing the report given against the applicant in the past. Then she approached police and gave report on 11-1-2017. Crime is registered for offences punishable under sections 376, 452, 323, 504 etc. of the Indian Penal Code.

3) This Court has carefully gone through the record of medical examination of the prosecutrix. This Court is avoiding to discuss the contents of the medical record as that may not help the prosecution. The learned Additional Public Prosecutor submitted that there is C.D.R. showing that present applicant was in touch with

the prosecutrix. That circumstance can be used during trial. But the fact remains that when the alleged incident took place on 31-12-2016 she approached the police on 11-1-2017. The applicant is behind the bars since 16-1-2017. In view of these circumstances and as it is not certain as how much time will be required for disposal of the case this Court holds that it is not desirable to keep the applicant behind the bars.

4) In the result, the application is allowed. The applicant is to be released on bail in Crime No.12/2017 registered in Nanalpeth Police Station, District Parbhani for offences punishable under sections 376, 452, 323, 504 etc. of the Indian Penal Code on his furnishing PR and SB of Rs.15000/- (Rupees fifteen thousand). He is not to tamper with prosecution witnesses. He is not to commit similar offences. He is not to go the vicinity of the residential place of the prosecutrix situated in Akola till disposal of the case.

Sd/-
(T.V. NALAWADE, J.)

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