

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

CRIMINAL APPLICATION NO. 1603 OF 2017  
WITH  
CRIMINAL APPLICATION NO. 1809 OF 2017

Anna @ Anil Hiralal Magre **....Applicant.**

**Versus**

The State of Maharashtra **....Respondent.**

Mr. A.K. Bhosale, Advocate for applicant.

Mr. A.A. Jagatkar, APP for respondent/State.

Mr. A.S. Shejwal, Advocate for original complainant.

**CORAM : T.V. NALAWADE, J.**  
**DATED : April 5, 2017.**

**ORDER :**

1. The application is filed for bail. Both the sides are heard.
2. Learned counsel Shri. Shejwal for original complainant has filed Criminal Application No. 1809/2017 for permission to assist the learned APP. The said application is allowed and disposed of. He is allowed to assist the learned APP. The record which is with him is also considered by this Court.
3. The case is filed against the present applicant for the

offences punishable under sections 376, 354, etc. of the Indian Penal Code and under section 5 of Prevention of Immoral Trafficking Act on the basis of report given by the prosecutrix. The prosecutrix was aged about 31 years on the date of report. It is her contention that she was given in marriage about 15 years prior to the date of report and from the husband, she has a daughter. It is her case that there was dispute with the husband and so, she gave divorce to the husband and she started living with her parents.

4. It is the case of prosecutrix that in the year 2008, she came in contact with the present applicant and then they developed an affair. At that time, she was carrying of two months. It is her case that as the present applicant promised to marry with her and he executed bond in her favour, she kept relations with him and they lived in Aurangabad together for about 7-8 years.

5. It is the case of prosecutrix that the dispute started when the present applicant asked her to get indulged in illegal activity for making money and asked her to do prostitution business. It is her case that on 5.10.2016 the applicant came to her house with one driver Sham and the applicant asked her to

keep relations with Sham and when she refused, threats were given to her and even beating was given to her.

6. Copies of some reports given by the prosecutrix to police starting from 6.10.2016 are produced. Some record of criminal cases which were filed against the present applicant in the past is also produced. The record shows that the applicant was involved in gambling and similar cases. But, in most of the cases, he is acquitted. It can be said that except the present matter, there is no other case pending against him.

7. In the past, when the application filed for bail was withdrawn by the present applicant, liberty was given to him to file the similar application after filing of the chargesheet. So, the present applicant is filed. In view of the aforesaid nature of material available against the applicant, this Court holds that it is not desirable to keep the applicant behind bars till the disposal of the case. Some conditions can be imposed on him, considering the fear expressed by the prosecutrix that there may be threat to her life.

8. In the result, 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 Aurangabad except for attending the case filed against him.

**[ T.V. NALAWADE, J. ]**

SSC/