

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

37 CRIMINAL APPLICATION NO. 1648 OF 2017

RAJYA S/O. THOGYA VALAVI
VERSUS
THE STATE OF MAHARASHTRA

Shri. Ravindra S. Shinde, Advocate, for applicant.

Shri. S.M. Ganachari, Additional Public Prosecutor, for respondent.

Coram: T.V. NALAWADE, J.

Date: 17 April 2017

ORDER:

1) The application is filed for bail. Both the sides are heard. Papers of investigation were made available. Statement was made by the learned counsel for the applicant that this is the first application filed for bail in this Court by the present applicant.

2) Crime is registered on the basis of report given by prosecutrix. She must have crossed age of 40 years. The present applicant is cousin of her husband. She has issues and she lives with her husband and issues in village

Shelkuicha Murdyapada, Tahsil Dhadgaon. It is her case that, the present applicant is *goonda* by nature and is on inimical terms with the family of the prosecutrix. Allegations are made by the prosecutrix that first the applicant raped her on 11-1-2017 at 8.30 p.m. when she was present in the house and her husband was not at home. When she narrated the incident to her husband, the husband took her to the Sarpanch and the people of the village called the present applicant for making inquiry. It is her case that, the present applicant had prayed for forgiveness and he undertook to behave well. It is her case that in spite of such undertaking given, on 6-2-2017 at 9.00 p.m. when her husband had gone to the field and when she was alone in the house, the applicant raped her by saying that she had defamed him by taking him to the panchas. The report in respect of the incident dated 8-2-2017 came to be given on 8-2-2017. This Court has carefully gone through the record of medical examination. This Court is avoiding to make observations with regard to the record of medical examination.

3) In view of the record investigation this Court holds that bail needs to be granted to the applicant. In the result, the application is allowed. The applicant is to be released on bail in Crime No.21/2017 registered at Dhadgaon Police Station, District Nandurbar for offence punishable under section 376(j),(m),(n), 448 etc. of the Indian Penal Code on his furnishing Personal Bond of Rs.15,000/- with one solvent surety of the like amount. The applicant is not to tamper with prosecution witnesses. He is not to commit similar offence. He is not to enter village Shelkuicha Murdyapada, Tahsil Dhadgaon till the disposal of the case which may be filed against him.

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

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