

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

23 CRIMINAL APPLICATION NO. 1961 OF 2017
WITH
CRIMINAL APPLICATION NO. 2169 OF 2017

LAXMAN @ PAPPU S/O. PANDURA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Shri. Prakashsingh B. Patil, Advocate, for applicant.

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

Smt. Chaitali Chaudhari, Advocate, to assist the APP.

Coram: T.V. NALAWADE, J.

Date: 25 April 2017

ORDER:

1) Criminal Application No. 2169 of 2017 filed for
permission to assist the learned Additional Public
Prosecutor is allowed and disposed of.

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

3) The crime is registered on the basis of direction given by the learned Judicial Magistrate, First Class, under section 156(3) of the Code of Criminal Procedure for offences punishable under sections 376, 554 etc of the Indian Penal Code and some sections of the Information and Technology Act, 2000.

4) The applicant and the prosecutrix belong to the same town, Amalner. Age of the prosecutrix is 33 years and the age of the present applicant is 40 years. The prosecutrix is widow having one daughter and one son. Her husband died in the year 2010.

5) There is allegation made against the present applicant that he had evil eye on her and ultimately in August 2012 under the pretext that he would reach the prosecutrix to her destination, residential place of her sister, he gave lift to the prosecutrix in his car. Then he took the prosecutrix to one lodge and there by giving false promise to get married with her he raped her. It is her case that the applicant, accused had made video clip of her relationship with present applicant and it was

circulated on his WhatsApp group and that also came to the knowledge of the prosecutrix. It is her case that after keeping relations for 4 years present applicant refused to marry and on the other hand he circulated the aforesaid clip on WhatsApp group and due to that she was required to give report against the applicant. It is her case that police did not take cognizance of the report and so she was required to file private complaint.

6) The learned Additional Public Prosecutor submitted that threats are being given to the prosecutrix that she should withdraw the complaint or she would face with dire consequence.

7) In view of nature allegations made against the present applicant which are already quoted and as the applicant is behind the bars since 1-4-2017 this Court holds that it is not desirable to keep the applicant behind the bars till disposal of the case which may be filed after completion of the investigation.

8) In the result, the application is allowed. The applicant is to be released on bail in C.R. No.58/2017 registered in Amalner Police Station, District Jalgaon for offences punishable under sections 376, 354, 417 etc of the Indian Penal Code and under sections 66(e), 67(a) of the Information and Technology Act 2000 on his furnishing Personal Bond of Rs.30,000/- with one or more solvent sureties in the like amount. The applicant is not to tamper with prosecution witnesses. He is not to commit similar offences. He is not to enter the locality known as Athwadi Bazar, Someshwar Complex, the residential place of the prosecutrix till disposal of the case which may be filed against him.

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

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