

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

CRIMINAL APPLICATION NO. 2001 OF 2017

Sachin s/o. Nagraj Mhaske .. Applicant
Age. 27 years, Occ. Business,
R/o. Ganesh Nagar, Waluj,
Tq. Gangapur, Dist. Aurangabad.

Versus

The State of Maharashtra .. Respondent

Mr. Shaikh Kayyum Najir, Advocate for the applicant.
Mr. S.W. Munde, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE, J.

DATED : 28.04.2017

P.C. :-

1. This application is filed for bail. The statement was made by learned Counsel for the applicant that this is the first application filed for bail in this Court. Both the sides are heard. The papers of investigation were made available for perusal of this Court.

2. The crime is registered on the basis of report given by the prosecutrix in Waluj Police Station, Aurangabad at C.R. No.28 of 2017 for the offences punishable under sections 376, 326, 504 read with section 34 of the Indian Penal Code and under some sections of S.C. & S.T. (Prevention of Atrocities) Act.

3. It appears that in February, 2017, hand loan of Rs.40,000/- was given by the prosecutrix to the present applicant and the prosecutrix was insisting the applicant to return back the amount. The allegations are made that on 04.02.2017 at about 12 hours of mid-night, accused entered the house of the prosecutrix under pretext that he was there to return money and he forcibly took sexual intercourse with the prosecutrix. It is her case that at about 06.00 a.m. of 04.02.2017, when she went to the house of her brother-in-law to disclose the incident, there the present applicant and his associate came with axe and they assaulted the husband of the prosecutrix, wife of brother-in-law and brother-in-law of the prosecutrix. There are statements of eye witnesses so far as incident of assault is concerned.

4. This Court has carefully gone through the record of medical examination to ascertain what kind of material is available for the offences alleged. This Court has seen the injury certificate. The age of prosecutrix is given as 35 years in the report, but it appears to be around 50 years. On the other hand, age of applicant is given as 27 years. The injuries are result of assault.

5. In view of nature of the dispute and the

material collected by police, this Court holds that it is not desirable to keep the applicant behind the bar till disposal of the case. He has been behind the bar since 04.02.2017.

i. In the result, the application is allowed.

ii. The applicant – Sachin s/o. Nagraj Mhaske be released on bail in connection with Crime No.28 of 2017, registered with Waluj Police Station, Tq. Gangapur, Dist. Aurangabad, for the offences punishable under sections 376, 326, 504 read with section 34 of the Indian Penal Code and section 3(1)(w)(j) and 3(2)(5) of the S.C. & S.T. (Prevention of Atrocities) Act, on his furnishing PR & SB of Rs.40,000/- (Rupees Forth Thousand) with one or more solvent sureties in like amount.

iii. The applicant is not to tamper with the prosecution witnesses and he is not to commit similar offence.

iv. The applicant is not to enter Waluj till the disposal of case filed against him.

[T.V. NALAWADE, J.]