

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

CRIMINAL APPLICATION NO. 2352 OF 2017

Rajaram Laxman Kokate ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. G.L.Deshpande, advocate for the applicant

Mr. A.D.Namde, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 15th JUNE, 2017

O R D E R :

Heard learned counsel for the applicant and the learned A.P.P. for respondent.

2. This is an application filed under the provisions of Section 439 of the Criminal Procedure Code in connection with Crime No. 3 of 2017, registered with Sevali police station, District Jalna for the offence punishable under Section 376 read with Section 34 of the Indian Penal Code.

3. The prosecutrix lodged complaint in the police station on 16.2.2017 at 17.15 hours alleging that on 15.2.2017, she along with her

son, daughter-in-law, grand son and grand daughter took the dinner. When the prosecutrix was sleeping in the courtyard along his grand daughter and grand son at about 11.30 p.m. Accused Rajaram came along with another accused Ramprasad and Arjun. Accused Rajaram pressed her chest and accused Ramprasad pressed her mouth and accused Arjun catch hold her hands and accused Rajaram committed sexual intercourse with the prosecutrix. When the prosecutrix made hue and cry all the accused fled away.

4. During the course of argument, the papers of investigation are made available. From perusal of the same, it appears that husband of prosecutrix Keshav lodged complaint to the same police station and thereby stated that on 15.2.2017 when his wife and daughter-in-law were sleeping, one unknown person assaulted them. This information is given by the husband of the prosecutrix and it is in reference to the same time and date which the prosecutrix has alleged about commission of rape on her.

5. Therefore, apparently there is reason to believe that the complaint filed by the prosecutrix is after thought because it appears from the record that there were political differences between the parties. In such circumstance, the applicant is entitled for grant of bail.

6. Hence following order.

(i) Criminal Application is allowed.

(ii) Applicant be released on bail on furnishing P.R. bond of Rs. 10,000/- with one surety in the like amount.

7. Criminal Application is disposed of.

(K.L.WADANE, J.)