

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2468 OF 2017

Pandurang s/o Ginyandeo Gavade, ... **Applicant.**
Age 26 years, Occ. Business, R/o.
Khanapur, Tq. Majalgaon, Dist.
Beed.

V E R S U S

The State of Maharashtra, **Respondent.**
Through Police Station Majalgaon
(City), District Beed.

Mr. S.J. Salunke, Advocate for the Applicant
Mr. A.A. Jakatkar A.P.P. for the respondent/State.
M.R. D.R. Jethliya, Advocate for Assist to APP.

WITH

CRIMINAL APPLICATION NO. 2470 OF 2017

Narayan s/o Ankush Kale, Age 28 ... **Applicant.**
years, Occ. Agriculture, R/o.
Depegaon, Tq. Majalgaon, Dist.
Beed.

V E R S U S

The State of Maharashtra, **Respondent.**
Through Police Station Majalgaon
(City), District Beed.

Mr. P. K. Ippar, Advocate for the Applicant
Mr. A.A. Jakatkar A.P.P. for the respondent/State.
M.R. D.R. Jethliya, Advocate for Assist to APP.

CORAM : K.L. WADANE, J.

DATE : 29th JUNE, 2017

ORDER :

1. Heard Mr. Salunke learned counsel for the applicant and Mr. Jakatkar, learned APP for the State.

2. Criminal Application No. 2468/2017 is filed by Pandurang Ginyandeo Gavade and connected Criminal Application No. 2470/2017 is filed by Narayan Ankush Kale. The allegations against the applicants are that the, applicant Pandurang committed rape on the prosecutrix and the applicant Narayan assisted him. From the contents of the first information report, it appears that, applicant Pandurang under the assurance of marriage kept physical relationship with the prosecutrix during the period from 01.08.2016 to 15.03.2017. The first information report lodged only when the engagement of the applicant Pandurang was performed with another lady. After getting knowledge of this fact, the prosecutrix went to the house of one Nirmala, who is going to marry with applicant Pandurang and disclosed about their affairs.

3. Looking to the nature of the allegations, it

appears that there was physical relations between the prosecutrix and applicant Pandurang. It is alleged by the prosecution that such relations were with assurance of marriage. Whether such assurance was given or not can be determined at the time of trial.

4. Considering the fact that the applicant Pandurang is aged about 24 years, well educated, having completed his Graduation, therefore, he knows very well the consequences of the physical relations. Applicant Pandurang has filed an affidavit stating that, he is ready to co-operate with the investigating officer and has attended the police station. He gave his blood sample. Thus from the conduct of the applicant, it appears that, he has co-operated with the investigation.

5. In such circumstances, no custodial interrogation of the applicants is needed. Hence, pass following order.

O R D E R.

(i) Both Criminal Applications (Criminal Application No. 2468/2017 & Criminal Application No.

2470/2017) are allowed.

(ii) In the event of arrest of the applicants (in Criminal Application No. 2468/2017 & Criminal Application No. 2470/2017)in connection with Crime No. 29 of 2017, registered with Majalgaon (City) police station District Beed, they be released on bail on their furnishing P.R. bond of Rs.10,000/- (Rupees ten thousand) with one surety in the like amount.

6 Criminal applications are disposed of.

(K.L. WADANE, J.)

mkd/-