

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

**CRIMINAL APPLICATION NO. 2487 OF 2017**

Ubed Mansur Patel **... Applicant**  
Age 20 years, Occu: Education,  
R/o Sakur Tq. Sangamner,  
Dist. Ahmednagar

**VERSUS**

The State of Maharashtra **... Respondent**  
Through Ghargaon olice Station,  
Dist. Ahmednagar.

Mr. Shivaji T. Shelke, Advocate for the applicant  
Mr. K. N. Lokhande, APP for the State.

**CORAM : K. L. WADANE, J.**

**DATE : 12th June, 2017**

**ORDER:**

1. Heard Mr. Shelke, learned counsel for the applicant and Mr. Lokhande, learned APP for the State.

2. This application is filed under section 439 of the Criminal Procedure Code for bail in connection with Crime No.I-41/2017, registered with Ghargaon Police Station, District Ahmednagar for the offences punishable under Sections 376(A), 506 of the Indian Penal Code.

3. Prosecutrix lodged a complaint to Ghargaon Police Station on 19.04.2017 alleging that on 30th

November, 2016, the present applicant called her on Mobile Phone and asked her to come at Sakur Fata. She went there and after that they went to a lodge at Nandur Shingote, where, under the assurance of marriage, the applicant committed sexual intercourse with her. Subsequently in the month of December, he committed sexual intercourse twice, in the month January, one time and in the month of February, one time. All the times, he has committed this act under the assurance of marriage. The prosecutrix become pregnant and she tried to abort the fetus.

4. The prosecutrix has stated her age 18 years as on the date of complainant i.e. on 19.04.2017. It appears from the statement of the prosecutrix that accused committed sexual intercourse with her under the assurance of marriage. Whether the consent obtained by the petitioner was due to assurance of marriage or otherwise needs to be determined at the time of trial.

5. Mr. Shelke, the learned counsel appearing for the applicant submit that the prosecutrix is not residing at village Sakur but and she is residing somewhere in Parner Taluka. During the course of investigation, the accused was arrested. He was

remanded to PCR and after completing investigation, he was remanded to MCR. As such, since 19.04.2017 the applicant is behind bars.

6. Considering the nature of accusation and the fact that the prosecutrix is above 16 years of age, I am of the opinion that the applicant is entitled for bail. Hence following order:

O R D E R

- i. The applicant shall be released on bail on his furnishing personal bond of Rs.25,000/-(Rupees twenty five thousand) with one solvent surety of like amount.
  - ii. The applicant shall not tamper with prosecution evidence in any manner.
7. Criminal application is disposed of.

**(K. L. WADANE, J.)**

JPC