

CRIMINAL APPLICATION NO. 2564 OF 2017

V E R S U S

Mr. M. R. Jadhav, Advocate for the Applicant
Mr. K.N. Lokhande, A.P.P. for the respondent/State

CORAM : K.L. WADANE, J.
DATE : 06 th July, 2017

ORDER :

1. Heard Mr. Jadhav learned counsel appearing for the applicant and Mr. Lokhande, learned A.P.P. appearing for the respondent-State.
2. The prosecutrix aged about 25 years lodged complaint to the police station Fardapur, District Aurangabad on 27.04.2017 alleging that, the present applicant is her brother-in-law and serving in Army. There was love affair between the prosecutrix and the

applicant. Since August 2014 under the assurance of marriage, present applicant had sexual relation with the prosecutrix from time to time at several places till 13.04.2017. Lastly the applicant refused to marry, therefore, the complaint came to be lodged.

3. The age of the prosecutrix is appears to be 25 years. She is major and presumed to know the consequences of the physical relations. No where it is stated in the first information report or the complaint that she disclosed to her parents that the applicant had given promise to marry.

4. Furthermore, the physical relation between the prosecutrix and applicant is appears to be with consent and since the prosecutrix is major, the only question is to be determined as to whether such relations were under the assurance of marriage or not and that can only be determined at the time of conclusion of the trial.

5. On behalf of the prosecutrix certain documents are tried to be shown to the Court, from which it appears that, the prosecutrix on 11.05.2017

had submitted an application to the Superintendent of Police Aurangabad and its copies were forwarded to the Hon'ble Chief Minister as well as Home Minister. Similarly, one non-cognizable case is registered against the brother of applicant in which it was tried to be alleged that the relative of the applicant are trying to tamper the evidence of the prosecution and were insisting to take the case back.

6. Prima-facie, I think this is submitted with intend to defeat the relief claimed by the present applicant. Since the physical relation between the applicant and the prosecutrix were with consent and the prosecutrix is major, no custodial interrogation of the present applicant is necessary. Hence, pass following order.

O R D E R.

- (1) Application is allowed.
- (2) In the event of arrest of the applicant in connection with Crime No.18 of 2017, registered with Fardapur Police Station District Aurangabad, he be released on bail

on his furnishing P.R. bond of Rs.20,000/-
(Rupees twenty thousand only), with one
surety in the like amount.

- (3) The applicant-accused shall not tamper with
the prosecution evidence in any manner.
- (4) Criminal Application is disposed-of.

(K.L. WADANE, J.)

mkd/-