

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

CRIMINAL APPLICATION NO. 2786 OF 2017

Gangaram Ganpat Lande

... Applicant

VERSUS

The State of Maharashtra

... Respondent

.....

Mr. R.K.Temkar, advocate for the applicant

Mr. K.N.Lokhande, A.P.P for respondent

.....

CORAM : K.L.WADANE, J.

DATED : 30th JUNE, 2017

O R D E R :

Heard Mr. Temkar, learned counsel for the applicant and Mr. Lokhande, learned A.P.P. for the respondent.

2. Prosecutrix lodged the complaint on 18.5.2017 at Akole police station, District Ahmednagar stating that on 8.5.2017 at about 5.00 a.m. when she went to answer the nature's call, present applicant came there and caught hold and by removing clothes committed rape. He also gave threats. She did not disclose the incident to her husband due to the threats given by the applicant. When the prosecutrix was looking nervous, her

husband inquired with her. Thereafter she disclosed the incident and then the offence came to be registered as referred above.

3. I have gone through the papers of investigation, from which it appears that statements of material witnesses were recorded. Medical examination of the prosecutrix as well as the accused was conducted. I have perused the medical certificate of the prosecutrix. No injuries were found on the person of the prosecutrix. Without making observations in detail, it is material to mention that there is delay of 10 days in filing the complaint. The prosecutrix is major and married woman. The investigation is over. In such circumstances, bail can be granted to the applicant by putting certain conditions.

4. Hence, the following order.

- (i) Criminal Application is allowed.
- (ii) Applicant be released on bail in connection with Crime No. 69 of 2017 registered at Akole police station, District Ahmednagar on

furnishing P.R. bond of Rs. 25,000/- with one surety in the like amount.

(iii) Applicant shall not tamper with the evidence of prosecution in any manner.

(iv) The applicant shall not contact any of the witnesses and shall not enter the village Waghapur, Taluka Akole, District Ahmednagar, till filing of charge sheet.

5. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm