

Balasaheb Laxman Nimse ... **Applicant**
Age 57 years, Occu: Agri.
R/o Mandawa
Tq. & Dist. Ahmednagar

The State of Maharashtra, ... Respondent
Through Nagar Taluka Police
Station, Dist. Ahmednagar.

DATE : 10th July, 2017

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

3. The present application is filed by the father-in-law of the prosecutrix. On the basis of information

given by the prosecutrix, the offence came to be registered against the accused persons. It is the case of the prosecution that accused Nos. 3 to 6 forcibly performed marriage of the victim with another accused Santosh Nimse on 22.05.2016. After eight days of the marriage, accused Nos. 3 and 4 gave some tablets to the victim by saying that as she is weak, she will get energy by consuming the tablets. Thereafter, accused No.1 was forcibly administering tablets to the victim. The victim became unconscious after consuming the tablets. When she became unconscious, one of the accused used to commit rape on her. One day she took half dose. When she was semi conscious, the applicant Babalasaheb committed rape on her and when she resisted, then the applicant threatened her to kill.

4. On perusal of the contents of the complaint which runs into several pages, prima facie, the story put forth by the prosecution appears to be unbelievable. There was delay in lodging the complaint. After filing of the complaint, another accused Santosh gave notice to the maternal uncle of the prosecutrix. Delay in lodging the first information report is tried to be explained, however, such explanation is not acceptable. Allegations are made against the present

applicant, husband and other relatives that they have outraged the modesty as well as committed rape on the prosecutrix.

5. Without making any comments on the merits of the case, I am of the opinion that the applicant has made out a case for grant of 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 in the like amount.
 - ii. The applicant shall not tamper with prosecution evidence in any manner and shall cooperate in further investigation.
6. Criminal application is disposed of.

(K. L. WADANE, J.)

JPC