

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

CRIMINAL APPLICATION NO. 3103 OF 2017

Dnyandeo s/o Sampat Bodkhe, Age
30 years, Occ. Labour, R/o. ... **Applicant**
Budkhewadi Telgaon Dighe, Tq.
Sangamner, Dist. Ahmednagar.

VERSUS

The State of Maharashtra, ... **Respondent**
Through The Police Inspector,
Sangamner Taluka Police
Station, Tq. Sangamner, Dist.
Ahmednagar.

Mr. K. N. Shermale, Advocate for the applicant
Mr. S. B. Joshi, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 18th JULY, 2017

ORDER:

1. Heard Mr. Shermale, learned counsel appearing for the applicant and Mr. Joshi, learned APP appearing for the respondent-State.

2. Prosecutrix lodged a complaint to the Sangamner Taluka police station alleging that, on 12.05.2017 her mother went on work and brother went

to class. At about 10.30 to 11 a.m. one person by name Ghorpade had been to the house of the informant and informed to the prosecutrix that, her Mummy called her at work place. On which she went with Mr. Ghorpade on his motor-cycle and came at village Talegaon. She resided there for two days and worked in agricultural land. At that time he tried to outrage her modesty. On third day prosecutrix returned to her house.

2. On the basis of the above information offence came to be registered at Crime No. 75/2017 with Sangamner Taluka Police Station for the offences punishable under section 376, 363, 354(A)(1)(2) read with 34 of the Indian Penal Code and under section 3,4,7 and 8 of POCSO Act and under section 9 and 10 of Child Marriage Restraint Act, 2006.

3. A supplementary statement of the prosecutrix is came to be recorded on 20.05.2017, in which she has stated that, one Bapu Ghorpode took her forceably to village Dhamangaon Awari and her marriage was performed with the present applicant. After the marriage she residing with the present applicant for

about 2 to 3 months and thereafter returned to her mothers house at Dhandarphal (bk) Tq. Sangamner.

4. From the above statement of the informant it appears that, after the marriage she resided with the present applicant for about three months and subsequently she lodged a complaint against Ghorpade for kidnapping and outraging her modesty. When the prosecutrix was staying with the present applicant at that time there was physical relation between them. Considering the above statement of the prosecutrix it appears that, she married with the applicant, residing with him for about 3 months. The applicant was arrested on 18.05.2017 and remanded to M.C.R. On 24.05.2017. He was available for custodial interrogation.

5. Considering the facts and circumstances referred above, I am of the opinion that the applicant can be enlarged on bail by putting certain conditions. Hence, pass following order.

O R D E R

(1) The applicant be enlarged on bail in

connection with Crime No. 75/2017, registered with Sangamner Taluka Police Station, District Ahmednagar, on his executing P.R. Bond of Rs. 15,000/- [Rs. fifteen thousand only] with one solvent surety in the like amount.

(2) The applicant shall not tamper with the prosecution evidence in any manner.

(3) The applicant shall not enter the village limit of Dhandarphal (Bk) Tq. Sangamner, till conclusion of the trial.

6. Criminal application disposed of.

(K. L. WADANE, J.)

mkd/-