

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

CRIMINAL APPLICATION NO. 3185 OF 2017

Hira @ Hiranman Dugraram Mali ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. P.S.Paranjape, advocate for the applicant

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

Mr. H.P.Jadhav, advocate for complainant

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CORAM : K.L.WADANE, J.

DATED : 24th JULY, 2017

O R D E R :

Heard Mr. P.S.Paranjape, learned counsel appearing for the applicant and Mr. K.N.Lokhande, learned A.P.P. for the respondent.

2. The prosecutrix is aged about 28 years old married lady having two kids. As per the complaint itself, on account of misbaviour of her husband she had returned back to her parental house and resided at village Songir. It is alleged that the other accused persons induced her and took to Jaisalmer, Rajasthan State. Prosecutrix was introduced with the present

applicant and informant was made to marry with present applicant. After the marriage, she resided there for about four months. During that period, there was physical relations between the applicant and prosecutrix, due to which she remained pregnant.

3. From the contents of the first information report itself, it appears that informant on her own accord went to Rajasthan along with other accused persons. The informant is major lady and knows consequences of marriage. In spite of that, she married with the applicant. It is tried to be suggested that due to threats informant married with the present applicant. Such submission is not acceptable only because due to threats no one can marry with unknown person.

4. Mr. Paranjape, learned counsel further submits that the other accused persons introduced prosecutrix being divorcée, and therefore, he was ready to marry with her. In view of above, I am of the opinion that the applicant can be released on bail by putting certain conditions.

5. Hence, the following order.

(i) Criminal Application is allowed.

(ii) The applicant shall be released on bail in connection with Crime No. 28 of 2017, registered with Songir police station, District Dhule, on his furnishing P.R. bond of Rs. 15,000/- with one solvent surety in the like amount.

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

6. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm