

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

DISTRICT : AHMEDNAGAR

936 CRIMINAL APPLICATION NO. 3388 OF 2017

SUNITA W/O BHAUSAHEB LOKHANDE

VERSUS

THE STATE OF MAHARASHTRA & ANR.

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Mr. S.R.Zambre h/f Mr. N.B.Narwade,
Advocate for Applicant.

Mr. K.N.Lokhande, A.P.P. for R – 1 – State.

Mr. A.S.Londhe, Advocate for R – 2.

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CORAM : V.L.ACHLIYA, J.

DATE : 8th NOVEMBER, 2017

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ORAL ORDER :

1. The applicant has moved this application seeking cancellation of bail granted to respondent No. 2 by the Sessions Court.

2. Heard the learned counsel for the applicant,

learned A.P.P. as well as the counsel representing respondent No. 2. Perused the F.I.R. and the order passed by the learned Additional Sessions Judge.

3. The applicant – complainant lodged complaint alleging therein that her husband was addicted to liquor. About six years prior to the incident, she got acquitted with respondent No. 2. Later-on they were frequently in contact with each other. He called her to Karad on the pretext to get her employed. They stayed together in a lodge at Karad where the applicant has committed sexual intercourse with her against her desire. Subsequent thereto, the applicant used to visit her house and commit sexual intercourse against her wish. He took her to lodge at Pathardi and there also he committed sexual intercourse with her. She was in physical relationship with respondent No. 2 from six years before lodging complaint for forcible sexual intercourse.

4. On due consideration of the allegations made in the complaint and taken into consideration the applicant being major in age, trial Court has entertained the application granted bail to the applicant.

5. On due consideration of overall facts of the case, the complaint being lodged after six years and the applicant being matured woman and maintaining physical relationship since last year, the prosecution story itself found to be unreliable. I am of the view that the order passed by the trial Court do not call for interference in exercise of powers u/s 439 (2) of Cr.P.C. There is no merit in the application.

5. The application is rejected.

[V.L.ACHLIYA, J.]