

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR****CRIMINAL APPLICATION (BA) NO.931/2017**

Rahul s/o Arun Gavai ..vs.. State of Maharashtra through PSO P.S. Samraspura,
Achalpur, Tq. Achalpur, Dist. Amravati (Rural)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. B. H. Tekam, Advocate for applicant.

Mr. J. Y. Ghurde, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 28, 2017

Mr. B. H. Tekam, Advocate for applicant and

Mr. J. Y. Ghurde, A.P.P. for non applicant-State.

The applicant is arrested on 19.10.2016 in connection with Crime No.274/2016 registered with Police Station, Samraspura, Achalpur for an offence punishable under Section 376, 452 and 506 of the Indian Penal Code. Therefore, the present application is moved for releasing him on bail.

The investigating officer has already completed his entire investigation. The charge-sheet is already filed before the Court of law.

The victim, who is aged about 19 years has filed the FIR against the present applicant. The FIR shows that the present applicant is neighbour of the victim. Though in the FIR, it is claimed that she was not having any relation with the present applicant, according to the FIR, the allegations are that in the month of September-2016, on four occasions, the present

applicant has committed sexual intercourse with her in her own house. It is further stated in the FIR that due to the same, she became pregnant. She further states that therefore she, on her own, took insecticide for terminating her pregnancy. No allegations are made against the present applicant insofar as termination of the pregnancy is concerned.

Prima facie, there are no reasons submitted in the charge-sheet for recording the FIR after 1 ½ months.

Looking to the age of the victim and when the investigation is already over and in view of the nature of accusation made against the present applicant, I am of the view that further custodial presence of the applicant is not warranted. Hence, following order is passed.

ORDER

- (i) Criminal Application No.931/2017 is allowed.
- (ii) Applicant-Rahul Arun Gavai be released on bail in connection with Crime No.274/2016 registered with Police Station, Samraspura, Achalpur for an offence punishable under Section 376, 452 and 506 of the Indian Penal Code, on he executing PR Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not extend any threats whatsoever to the victim.

The application stands disposed of.

JUDGE