

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

**CRIMINAL APPLICATION (BA) NO.71/2018**

**Rajesh s/o Bharat Pohalkar**

**..vs..**

**State of Mah., thr. PSO PS Yavatmal City, Tahsil and District Yavatmal**

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

Court's or Judge's Order

.....  
Shri R.D. Wakode, Counsel for the applicant.

Shri M.K. Pathan, Addl.P.P. for the State.

**CORAM : V.M. DESHPANDE, J.**

**DATED : FEBRUARY 8, 2018.**

1. Heard learned counsel Shri R.D. Wakode for the applicant and learned Additional Public Prosecutor Shri M.K. Pathan for the State.

2. The applicant is arrested on 28.12.2017 in connection with Crime No.1035/2017 registered with Police Station Yavatmal City, District Yavatmal for the offence punishable under Section 376 of the Indian Penal Code.

3. The application is primarily objected by learned Additional Public Prosecutor Shri M.K. Pathan for the State on the ground that the investigation is in progress and the charge-sheet is not filed.

4. The applicant is arrested on 28.12.2017 and since then he is in jail. As per the prosecution case itself, the applicant who is Junior

Engineer at MSEB, Etapalli was a tenant of the complainant since 2007 and they were having love affairs with each other. According to the reply, the applicant gave promise of marriage and, thereafter, exploited the complainant sexually and, thereafter, he turned around. The reply shows that the applicant was medically examined. All samples are already extracted and are seized. Learned Additional Public Prosecutor Shri M.K. Pathan for the State submits that though the charge-sheet is not filed, investigation is on the verge of completion and in near future the charge-sheet will be filed.

5. Looking to the fact that the applicant and the complainant were in love with each other, in my view, further custody of the applicant is not necessary, merely on the ground that the charge-sheet is not filed.. That leads me to pass the following order:

**ORDER**

(a) The criminal application is allowed.

(b) Applicant-Rajesh s/o Bharat Pohalkar, be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount in connection with Crime No.1035/2017 registered with Police Station Yavatmal City, District Yavatmal for the offence punishable under Section 376 of the Indian Penal Code.

(c) Till filing of the charge-sheet, the applicant shall attend the police station twice a week i.e. on every Monday and Tuesday and shall be in the police station from 3:00 p.m. to 5:00 p.m..

(d) After filing of the charge-sheet, the applicant shall attend the police station once in a month i.e. on last Saturday of every month.

(e) The applicant shall not extend any type of threats to any of the prosecution witnesses.

(f) It is made clear that the observations made in this order are purely for deciding the application for grant of bail only and learned Judge of the Court below, who shall be trying the case, shall not get influenced by the observations made in this order.

(g) With this, the criminal application is allowed and disposed of.

**JUDGE**

!! BRW !!

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