

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

CRIMINAL APPLICATION (BA) NO. 05 OF 2019
(Ramkrushna Uttam Khadsinge .v. State of Maharashtra)

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

Court's or Judge's Orders

Shri V.S. Mishra, Advocate for the applicant.
Shri I.J. Damle, APP for the respondent/State.

CORAM : M.G. GIRATKAR, J.
18TH FEBRUARY, 2019.

Heard.

Shri Mishra, learned Counsel for the applicant has submitted that the applicant is in jail from 28th August, 2018. Investigation is complete. Charge sheet is filed. He has pointed out the medical certificate and as per the certificate, sexual intercourse did with mutual consent. Therefore, prays for grant of bail.

Shri Damle, learned APP has strongly objected the application and submitted that the DNA report is awaited. Charge sheet is already filed. Applicant taken undue advantage of the relationship and did sexual intercourse with the victim. Therefore, the application is liable to be dismissed.

The victim was aged about 24 years at the time of incident. As per the contents of report and as per the Medico Legal Certificate, sexual intercourse took place with mutual consent. Victim was well aware of the consequences. Whether it amounts to rape or not is to be decided by the trial Court. The investigation is complete and the charge sheet is filed. Further detention is not required. Hence, the following order.

The application is allowed. The applicant be released on bail on furnishing PR bond of Rs.25,000/- (twenty-

five thousand only) with one solvent surety in the like amount, on the following conditions.

The applicant shall not tamper the evidence of prosecution witnesses.

The applicant shall attend the trial Court on each and every date.

JUDGE

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