

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

CRIMINAL APPLICATION NO.8/2019

Ashvini Vinod Gajbhiye

..VS..

State of Mah., thr. PSO PS Wadi, District Nagpur and anr

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

Court's or Judge's Order

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Ms S.S.Deshpande, Counsel for the applicant.
Shri V.P.Gangane, Addl.P.P. for the State.

CORAM : M.G.GIRATKAR, J.

DATED : MARCH 27, 2019.

1. Learned counsel Ms S.S.Deshpande for the applicant submits that non-applicant No.2 started illicit relationship with applicant/complainant. The applicant/complainant conceived pregnancy for 2-3 occasions from non-applicant No.2. She further submits that learned Judge of the Court below wrongly granted bail to non-applicant No.2. Therefore, she prays for cancellation of the said bail granted to non-applicant No.2.

2. Learned Additional Public Prosecutor Shri V.P.Gangane for the State supports the submissions made by learned counsel Ms S.S.Deshpande for the applicant.

3. None appears for non-applicant No.2.

4. Perusal of report shows that applicant/complainant performed marriage with one Vinod Gajbhiye in the year 2003. She delivered two sons from said Vinod. Her husband used to go out of house for some work.

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In absence of her husband, non-applicant No.2/accused started illicit relationship with applicant/complainant. Her first husband divorced her. She became pregnant for 2-3 occasions from non-applicant No.2. When pain started, she called her first husband and he admitted her in hospital and a dead child was born to her during delivery. Again, she became pregnant.

5. Looking to the conduct of the applicant/complainant, whether it is rape or not is doubtful. Therefore, order passed by learned Judge of the Court below granting bail to non-applicant No.2 is perfect, legal and correct. There is no illegality in granting the bail.

6. In view of the above, the criminal application stands rejected and disposed of accordingly.

JUDGE

!! BRW !!

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