

3] The First Information Report is lodged by the prosecutrix aged about 25 years, on the date of lodgement of crime and is mother of three children. It is alleged that, on 29th August 2019, the applicant under the pretext of taking the prosecutrix to the Government Dispensary, abducted her and took her to the place, i.e. village Uplai, Taluka Madha, District Solapur, of his grand parents. They resided there for two days. In the said two days, the applicant committed rape on the prosecutrix and on 31st August 2019 at about 10:00 am he dropped her near Shetphal High-way from his motorcycle. The present crime is thereafter registered on 1st September 2019 at about 6:00 pm.

4] A bare perusal of First Information Report would indicate that, the prosecutrix was having ample opportunity to inform the fact of her abduction by the applicant to his grand parents and other relatives to whom she went on 29th August 2019 at village Uplai, Taluka Madha, District Solapur. Even when the applicant introduced prosecutrix to his close relatives, as his wife, the prosecutrix did not object to the same and resided with him willingly for two days in a room situated in the vicinity, where the grand parents of the applicant's are residing. The conduct of the prosecutrix does not appear to be of a common prudent person. It

prima-facie appears that, the prosecutrix was a consenting party to the alleged act of the applicant.

5] Mr. Agandurve, learned Advocate for the applicant submitted that, there are no antecedents at the discredit of the applicant.

6] In view thereof, the applicant is entitled to be released on bail.

Hence, following Order.

- a) The applicant be released on bail in CR No. 500 of 2019 registered with Tembhurni Police Station, District Solapur, on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.
- b) After his release from jail, the applicant shall attend Tembhurni Police Station on every first Monday of the month between 10:00 am and 1:00 pm until further Orders by the Trial Court.
- c) The applicant shall also attend all the dates before the Trial Court except on medical grounds.
- d) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- e) Bail Application is allowed in the aforesaid terms.

Omkar S.
Kumbhakarn

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[A.S. GADKARI, J.]