

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

CRIMINAL APPLICATION (BA) NO. 1016 OF 2020

Shrikrushna @ Kisan Maroti Gaikwad, Wardha

Vs.

State of Maharashtra

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

Shri M.V. Rai, Advocate for the applicant.
Shri S.A. Ashirgade, A.P.P. for the respondent/State.

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : DECEMBER 04, 2020.

Heard.

2. The applicant is said to be arrested on 18/06/2020 in connection with Crime No. 231/2020 dated 17/06/2020 registered at Police Station Kharangana, Tah. Arvi, District Wardha for the offence punishable under Sections 376, 376(2)(f) and 376(2)(f)(n) of the Indian Penal Code, 1860.

3. I have perused the application, reply affidavit and the chargesheet with the assistance of learned counsel appearing for both the parties.

4. At the outset, the age of the prosecutrix, at the relevant time, was 19 years so also the present applicant was of 19 years of age.

5. Perusal of the First Information Report would reveal that for twice, the present applicant established physical relationship with the prosecutrix and when five months pregnancy was disclosed and the applicant had refused to marry her, a report came to be lodged.

6. Considering the fact that at the relevant time, the prosecutrix was major, aged around 19 years, prima-facie, the case does not appear to be of rape. Therefore, this Court is of the opinion that by imposing suitable conditions, present applicant can be released on bail. Hence, the following order :-

ORDER.

- i. The Criminal Application is allowed.
 - ii. The applicant be released on bail on his furnishing PR bond in the sum of Rs.20,000/- (rupees twenty five thousand) with one solvent surety in the like amount.
 - iii. The applicant shall not tamper with the prosecution evidence or issue threats to the witnesses.
 - iv. The applicant to attend the concerned police station on every first Thursday of each month between noon to 2.00 pm.
7. The Criminal Application is disposed of accordingly.

8. The aforesaid observations is only for granting bail to the applicant and it shall not come in the way of the trial Court during trial.

JUDGE

Sumit