

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

L.D.V.C. CRIMINAL APPLICATION (BA) NO. 553 OF 2020

Baliram S/o Abaj Patre

..vs..

State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri V.N. Morande, Advocate for applicant.

Shri S.D. Sirpurkar, A.P.P. for State

CORAM : VINAY JOSHI, J.

DATED : 20/07/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant-accused who is arrested in Crime No. 20 of 2020 registered at Desaiganj Police Station, District Gadchiroli relating to the offence punishable under Section 376 of the Indian Penal Code, 1860 has claimed regular bail. Besides usual grounds, it is argued that the victim was 32 years of age and at the most, it is a case of consent. Learned A.P.P. resisted the bail by submitting that the offence is of serious nature.

3. I have gone through the contents of the F.I.R. The victim who was married lady stated that she was having well acquaintance with the applicant-accused since long. It is her contention that she has borrowed money to the accused and under that pretext, the accused used to visit her house. Her statement discloses that on 29.12.2019, first time, applicant-accused had sexual intercourse with the victim at her house. Thereafter,

10.01.2020 again accused entered into the house of victim and had physical relations with her, but, at that time her husband arrived. Learned Counsel for the applicant submitted that it is a case of consent, and only when the husband has caught them red handed, the matter has reached to Police Station. *Prima facie*, there appears to be much force in the submission. Moreover, even then the F.I.R. was lodged after the gap of 6 days.

4. Having regard to the facts and as already charge-sheet is being filed, the applicant is well entitled for bail. Therefore, following order is passed :

- (a) The applicant-accused namely Baliram s/o Abaj Patre is released on interim bail on his furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.
- (b) The applicant-accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.
- (c) The applicant-accused shall provide his residential address and cell number to concerned Investigating Officer and he shall not change his place of residence without prior intimation to the concerned Investigating Officer.

4. This order be communicated to the Counsel appearing for the parties, either on the email address or on WhastApp or by such other mode, as is permissible in law.