

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

931 BAIL APPLICATION NO.200 OF 2021

Atul s/o. Sakharam Kadam.

.. APPLICANT

VERSUS

The State of Maharashtra.

..RESPONDENT

...

Mr.K.N.Shermale, Advocate for the applicant.

Mr.S.B.Narwade, APP for the respondent-State.

...

CORAM: MANGESH S. PATIL, J.

DATE : 15.06.2021

P.C.

1] This is an application for regular bail under Section 439 of the Criminal Procedure Code after filing of the charge sheet in Crime No.50/2021 of Sangamner City Police Station, Sangamner for the offences punishable under Section 376 [2] [n], 312, 323 and 504 of the Indian Penal Code.

2] The substance of the allegations in the FIR lodged by a lady aged 26 years is to the effect that the applicant and she have been related. The relation blossomed into an affair. He promised to solemnize marriage and under that pretext established sexual relation. When she became pregnant he made her to abort and subsequently refused to keep the promise.

3] I have heard the learned Advocate for the applicant as also learned APP.

4] It is a matter of record that the charge sheet has already been filed meaning thereby that the investigation is over. The trial is not likely to commence in near future.

5] Going by the allegations, it is pertinent to note that the prosecutrix is major and had maintained sexual relations with the applicant over a considerable period of time. She has also allowed the relations to go to the extent of she becoming pregnant even before the marriage.

6] There are several allegations about she having been made to give something in writing under the pretext of marriage and its registration. It is thereafter, it is being alleged, that sexual relations between the couple continued till October 2020. Assuming that the prosecutrix is a victim of some design still there is a considerable delay in lodging the FIR, which has been lodged on 21 January 2021.

7] Considering all the aforementioned facts and circumstances, in my view it is a fit case where the applicant deserves to be granted bail subject to necessary conditions to obviate any manipulation.

8] The application is allowed. The applicant shall be released on bail on his executing personal recognizance for an amount of Rs.25,000/- [Rs. Twenty Five Thousand only] and furnishing a solvent surety in the like amount, subject to the condition that he shall not enter into Sangamner town except for attending the trial and shall not make any attempt to contact the prosecutrix or the witnesses.

9] Bail before the trial Court.

[MANGESH S. PATIL, J.]

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