

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

BAIL APPLICATION NO.1278 OF 2021

Anil S/o Chandu Ghansawant

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr. Swapnil S. Rathi Advocate for Applicant.
Mr. V.M. Kagne, A.P.P. for Respondent – State..
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 21st DECEMBER, 2021

ORDER :

1. Present Application has been filed under Section 439 of the Code of Criminal Procedure by the applicant who has been arrested in connection with Crime No. 96 of 2021 registered with Jintur Police Station, Taluka-Jintur, District-Parbhani for the offence punishable under Sections 376(2)(n), 366, 34 of the Indian Penal Code.

2. Heard Mr. S.S. Rathi, learned Advocate for the applicant and Mr. Kagne, learned APP for the respondent – State.

3. Perusal of the First Information Report lodged by the victim would indicate that she was 22 years old lady. She has stated that there was a love affair between herself and the applicant since about two years prior to the First Information Report. She states that on 26th August 2020, the applicant told her that they would run away and would perform marriage and accordingly at about 2.00 a.m. she went with the applicant. She resided with the applicant at Pandavleni in District-Nashik for about two months at the place of maternal uncle of the applicant and thereafter in a rented room for about 3 and ½ months. Then she says that during that period, there were sexual inter-courses between them.

4. Now the investigation is over and charge-sheet is filed. Under such circumstance, the physical custody of the applicant is not required for the purpose of investigation. The possibility of consent at every stage of the major girl cannot be ruled out and therefore, the applicant deserves bail. Hence the following order:

ORDER

- i) The Application stands allowed.

ii) The applicant – Anil S/o Chandu Ghansawant be released on bail in connection with Crime No. 96 of 2021 registered with Jintur Police Station, Taluka-Jintur, District-Parbhani for the offence punishable under Section 376(2)(n), 366, 34 of the Indian Penal Code on PR Bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties of Rs.25,000/- (Rupees Twenty Five Thousand) each.

iii) The applicant shall give his Mobile number to the Investigating Officer as well as to the Trial Court and shall comply with the requirements set out in Para No. 12 (1) to (6) of Chapter-I of Criminal Manual, whichever are applicable;

iv) The applicant shall not indulge in any criminal activity nor shall tamper with the prosecution evidence in any manner;

v) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI , J.]