

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 BAIL APPLICATION NO.1402 OF 2021

ROHIT GANGADHAR PANDIT

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. S.S. Bora, Advocate for the applicant

Mr. N.T. Bhagat, APP for the respondent/State

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 10th DECEMBER, 2021

PER COURT :

1 Present application has been filed under Section 439 of the Code of Criminal Procedure, 1973. The applicant has been arrested in connection with Crime No.406/2021 dated 13.10.2021 registered with Gangakhed Police Station, Dist. Parbhani, for the offence punishable under Section 376, 504, 506 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. S.S. Bora for the applicant and learned APP Mr. N.T. Bhagat for the respondent/State. In order to cut short, it can be said that they have argued in support of their respective

contentions.

3 It appears that the prosecutrix is a married lady of 21 years old. She says that she came to know the applicant's family in March, 2021 and then she says that on 01.06.2021 she received message from the present applicant on her WhatsApp. This can happen only if she would be shared her cell number with the applicant. But then further she states that on 08.06.2021 the applicant had sexual intercourse with her at about 3.00 p.m. without her wish, and then, she states that after blackmailing her the incident was repeated 8-10 times and lastly on 02.07.2021. Taking into consideration the contents of the First Information Report it appears to be either a consensual act or there is no complete account of the relations. The First Information Report is silent, as to why after the first alleged act itself she had not disclosed the said fact to her husband. Case is made out for releasing the applicant on bail. Hence, following order.

ORDER

1 Application stands allowed.

2 Applicant Rohit Gangadhar Pandit, who has been arrested in connection with Crime No.406/2021 dated 13.10.2021 registered with

Gangakhed Police Station, Dist. Parbhani, for the offence punishable under Section 376, 504, 506 of the Indian Penal Code, 1860, be released on P.R. of Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties of Rs.25,000/- (Rupees Twenty Five Thousand only) each.

3 The applicant shall not tamper with the evidence of the prosecution nor shall indulge in any criminal activity.

4 He shall not enter the jurisdiction of Gangakhed taluka till the conclusion of trial. He should reside elsewhere, and before submission of bail papers, the applicant should give complete address of his proposed residence with his mobile number to the Sessions Court as well as to the Investigating Officer. So also he should comply with the requirements under paragraph Nos.12 (1) to (6) of Chapter I of Criminal Manual, (whichever are applicable).

5 Applicant is permitted to go to Gangakhed only to attend the Court dates.

6 Bail before Trial Court.

(Smt. Vibha Kankanwadi, J.)