

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR****CRIMINAL APPLICATION (BA) NO.204/2021**

Nilesh Dharam Rathod.vs.State of Maharashtra thr. its PSO P.S. Digras, Dist. Yavatmal.

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

Court's or Judge's orders.

Mr. M. K. Kulkarni, Advocate for applicant.

Mr. S. M. Ukey, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : APRIL 1, 2021

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

Heard Mr. Kulkarni, learned counsel for applicant and Mr. Ukey, learned A.P.P. for non applicant-State. With the assistance of both learned counsel, I have perused the entire charge-sheet.

This an application for regular bail. The applicant is arrested on 12.12.2020 in connection with Crime No.976/2000, registered with Police Station, Digras, Yavatmal for an offence punishable under Section 376(2) (n), 417 and 506 of the Indian Penal Code.

Investigating agency has already completed investigation and filed the charge-sheet before the Court of law. The trial is yet to commence, is the submission made by both the learned counsel.

The FIR is lodged on 12.12.2020 by the victim herself. In the FIR itself she has disclosed her age as 25 years and she is taking education. From the FIR, it is clear that she was in love with the present applicant since last 7 to 8 years. It is stated in the FIR that the applicant gave promise that he

will marry her and therefore she allowed physical relations between themselves. According to the FIR, later on the applicant turned around and, therefore she filed the FIR.

From the FIR itself, it is clear that the victim is more than 25 years of age. Not only that she was in love with the applicant since 7-8 years. The question as to whether there was a promise to marry and believing that promise the victim allowed the applicant to have the sexual relation has to be established during the trial.

Presently, I am of the view that since the entire investigation is over and there is no past criminal record of the applicant, the applicant can be released on bail. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Nilesh s/o Dharam Rathod be released on bail, in connection with Crime No. 976/2000, registered with Police Station, Digras, Yavatmal for an offence punishable under Section 376(2) (n), 417 and 506 of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.
- (iii) Applicant is directed to attend Police Station, Digras, Dist. Yavatmal twice a month i.e. on first and the last Friday, between 02.00 p.m. to 05.00 p.m. till the trial is over.
- (iv) The applicant shall not extend any type of threats to victim and shall not try to tamper with the prosecution case.

The application is disposed of.

JUDGE