

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 758 of 2021

[Prayagraj S/o Dilip Kale ..vs.. State of Maharashtra through its P.S.O., Janefal P.S. Dist. Buldhana]

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

Court's or Judge's orders

Mr. S. G. Joshi, Advocate for the applicant
Mr. N. R. Rode, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 13-08-2021

The applicant is seeking bail in connection with Crime 64/2021 registered with Police Station, Janefal, District Buldana for the offences punishable under Sections 376, 376(2)(n), 504 and 506 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report dated 3-3-2021 lodged by Ms. 'M'. The gist of the report is that the applicant, who is the neighbour of her mother, professed love and induced her to have sexual relationship, and when she conceived, refused to marry her on the premise that she belongs to a lower caste.

3. I have perused the material in the charge-sheet including the statement of Ms. 'M' recorded under Section 164 of the Code of Criminal Procedure, 1973.

4. I am consciously not recording my *prima facie* view, lest, there is some prejudice caused to either the prosecution or the accused.

5. However, it must be noted that the version of Ms. 'M' in the report and the 164 statement is totally at variance and to a certain extent mutually inconsistent.

6. The applicant has no criminal antecedent and is not likely to be a flight risk.

7. Considering the material on record and the fact that the investigation is complete and the charge-sheet is filed, no useful purpose will be served by continuing the incarceration.

8. The application is allowed subject to the following conditions.

- (a) The applicant be released on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount.
- (b) Till the complainant is examined in the trial, the applicant shall not enter the territorial limits of Village, Janefal without obtaining the prior permission of the jurisdictional Court.
- (c) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.
- (d) The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE

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