

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

BAIL APPLICATION NO.929 OF 2022

Charan s/o. Laxman Paul

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.A.V.Thombre, Advocate for applicant

Mr.V.S.Badakh, APP for respondent

CORAM : R.G. AVACHAT, J.

DATE : JULY 27, 2022

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0088 of 2022 registered with Sirsala Police Station, Dist.Beed.

2. Heard learned counsel appearing for the parties.

3. Perused the FIR. It is lodged by the victim herself on 05.06.2022. The applicant is of the informant's acquaintance. It is alleged in the FIR that the applicant had an ill-eye towards the informant. The applicant intended to establish physical relationship with her. He is alleged to have threatened her of kidnapping her husband, if she refused to keep relationship with him. It has further

been alleged in the FIR that under such threats, the applicant had established and did physical relationship with her many a time. Such things happened for last over three years. It is further alleged in the FIR that lastly, on the day on which the FIR was lodged at 12.30 in the midnight, the applicant had sexual intercourse with her against her wish and without her consent.

4. Reading between the lines of the allegations in the FIR indicate it to be a case of consensual relationship. The applicant has been behind the bars for little over 55 days. In the factual backdrop, his detention in jail is unwarranted.

5. In view of the above, the Court is inclined to grant the applicant bail. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0088 of 2022 registered with Sirsala Police Station, Dist.Beed, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

(iv) The applicant shall not enter the village Moha, Tq. Parali, Dist. Beed, until conclusion of the trial.

[R.G. AVACHAT, J.]

KBP