



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

19 BAIL APPLICATION NO. 588 OF 2024

VISHALBHAI ARJUNBHAI VASAVE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Suniket Anil Kulkarni.
APP for Respondent/State : Mrs. Pratibha J. Bharad.
Advocate for Respondent No.2 : Mr. Ajinkya Mirajgaonkar.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 08th April, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.113 of 2024, registered with Akkalkuva Police Station, District Nandurbar, for the offences punishable under Sections 376(2) (n) and 506 of the Indian Penal Code.

3 It is averred in the report by the informant that her marriage was settled with this applicant. Thereafter, he called the her and threatened her that if she is not allowing sexual intercourse with him, he will not marry with her. Therefore, sexual intercourse took place between them on several occasions. Thereafter, once the

applicant and his father sent message alongwith two persons that the applicant and and his family members are not willing to perform marriage with the informant. Thereafter, the report was lodged.

4 The learned counsel for applicant submitted that the matter has been compromised and the applicant is ready to perform marriage with her. The informant is 21 years old. He placed on record the affidavit of the informant. The same is taken on record and marked as 'X-1'. He pointed out the affidavit of informant. He further submitted that in view of the compromise, bail shall be granted to the applicant. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application. She submitted that the offence is against the dignity of woman. It is lastly prayed to reject the application.

6 Perused the report. The applicant's father and the informant alongwith her mother are present in the Court. They are agreeable that the marriage is likely to be performed within 10-12 days. Considering the relationship between the applicant and the informant, it would be proper to allow the applicant. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.113 of 2024, registered with Akkalkuva Police Station, District Nandurbar, for the offences punishable under Sections 376(2)(n) and 506 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.15,000/- with surety of the like amount on following conditions:-
 - a) After the marriage is performed, the same be intimated to this Court. However, after the marriage, if the informant finds that the applicant is not continuing the relationship as husband and wife, the informant is at liberty to file an application for cancellation of bail of this applicant before the Trial Court.
 - b) If such an application is filed, the Trial Court is at liberty to proceed further to cancel the bail of this applicant without reference to this Court.

[SANJAY A. DESHMUKH, J.]

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