

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

CRIMINAL APPLICATION (ABA) NO.241/2015

**(Pradip Navnath Kumare ..vs.. State of Maharashtra, through PSO P.S.
Ramnagar, Chandrapur)**

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

Court's or Judge's orders.

Mr. M. P. Khajanchi with Mr. M. I. Dhatrak, Advocate
 for applicant.

Mr. V. A. Thakare, A.P.P. for non applicant-State.

Mr. Vivek Awachat, Advocate assisting the
 prosecution.

CORAM : A.B. CHAUDHARI, J.

DATE : JULY 8, 2015.

This is an application for grant of
 anticipatory bail in Crime No.245/2015 under
 Section 376 (2) (n) of the Indian Penal Code.

Heard learned counsel for the rival parties.
 Learned counsel for the applicant submitted that in
 the case of ***Mahesh Balkrishna Dandane..vs..State
 of Maharashtra***, in Anticipatory Bail Application No.
 27/2014, decided on 12.03.2014, this Court had
prima facie found that when there is sexual
 relationship with major woman, the offence under
 Section 375 of the IPC is not constituted. He also
 cited decision in the case of ***Nandan Sadanand
 Bendarkar..vs..State of Maharashtra; 2015 SCC
 OnLine Bom 2044, State of U.P...vs..Naushad; AIR
 2014 SC 384.***

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I have gone through the said judgment and also seen the facts of the present case. I quote paragraph 2 from the reply of the State, which reads thus:

“2. It is submitted that on 19.5.2015 informant namely Vandana Atram, 28 years, r/o Valni, Post Borda, Dist. Chandrapur lodged oral report to the answering respondent stating therein that the present applicant is residing of same village and since last 4 years on the pretext of promising her to marry her, committed sexual intercourse and thus the said applicant was having sexual relations with her since last 3 years. The informant specifically stated that since the applicant was giving her assurance of performing marriage all the stated period and therefore there was relations between him and her. It is also stated by the informant that she had got pregnant out of said relations but the applicant herein gave her certain pills terminating the said pregnancy. Since last 1 & ½ month the applicant has stopped talking to the informant and on coming to know that he is performing marriage with

some other girl the informant approached to the Police Station officer with the above stated oral report.”

In the light of the above facts disclosed in the FIR, I think, no case is made out for grant of anticipatory bail since the investigation is at an early stage and only a month had passed from the date of registration of the offence.

In view of the prima facie case made out against the applicant, the relief of grant of anticipatory bail cannot be extended to the applicant.

That being so, I make the following order.

ORDER

(i) Criminal Application No.241/2015 is rejected.

JUDGE