

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

Criminal Application (ABA) No. 342 of 2015

(Balkrushna Pandurang Yearme Vs. The State of Maharashtra through P.S.
Patan, Dist. Yavatmal)

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

Court's or Judge's order

Mrs. Vaishali Khadekar, Advocate for applicant
Mrs. K. S. Joshi, APP for the State/non-applicant

CORAM : P. B. VARALE, J.

DATE : 13-8-2015.

Heard Mrs. Khadekar, learned counsel for the applicant and Mrs. Joshi, learned Additional Public Prosecutor for the State/non-applicant.

The applicant is apprehending his arrest in connection with Crime No. 24/2015 registered at Police Station, Patan, District Yavatmal and is before this Court seeking protection in nature of pre-arrest bail. While issuing the notice on 21-7-2015, this Court, considering the submissions of learned counsel appearing for the applicant, granted interim protection.

The reply is filed by the State/non-applicant. The reply reiterates that the statements and allegations in the report are victim states that the applicant established intimacy with the victim and then exploited the victim sexually. In the report, it is stated by the victim that initially, the applicant gave assurance of marriage and the applicant who was residing as a tenant in front of house of the applicant,

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then in the report, it is stated by the victim that he left that premises and started residing at some other place. The allegation is that the applicant called the victim there also. Considering the fact that the applicant made no report after alleged intimacy and exploitation in spite of having sufficient time and in spite of that the applicant was not residing in the same area. The submission of learned counsel for the applicant is that the victim who was a major girl and was a consenting party cannot be easily brushed aside. It is also not the case that the applicant is having criminal antecedents. On the contrary, the applicant is working in Government Department and he can be available for the purposes of investigation as and when called by the investigating agency. The learned counsel for the applicant has made out the case. The criminal application is allowed.

Interim order passed by this Court dated 21-7-2015 is confirmed on the same conditions. However, the applicant to attend the concerned Police Station every first and third Sunday between 9.00 a.m. to 12.00 noon and to maintain diary of his attendance duly countersigned by the Police Station Officer till filing of the charge-sheet.

Hamdast granted.

JUDGE

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