

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

Criminal Application [ABA] No.370 of 2015

(Sunil @ Jagishbaba

vs.

The State of Maharashtra, through PSO Mahagaon, District Yavatmal)

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Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

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Mr. R.M. Ahirrao, Advocate for the Applicant.
 Mr. A.K. Bangadkar, A.P.P. for the Non-Applicant/State.

CORAM : V.M. DESHPANDE, J.

DATE : AUGUST 21, 2015.

By the present application, the applicant is seeking anticipatory bail since he is apprehending his arrest in connection with Crime No. 40/2014, registered at Police Station Mahagaon, District Yavatmal for the offences punishable under sections 376(2)(n) and 506 read with section 34 of the Indian Penal Code.

Heard Mr. R.M. Daga, learned Counsel for the applicant and Mr. A.K. Bangadkar, learned Additional Public Prosecutor for the State.

The present applicant is a self proclaimed 'Baba'. He claims that he has various disciples in the society. He submits that there is no likelihood of he being absconding since he has deep root in the society. He submits that the nature of offence is not such that his physical presence with the Investigating Officer is required. Therefore, he prays that anticipatory bail be granted in his favour.

The F.I.R. is lodged by the prosecutrix herself. From the F.I.R., it is clear that she was sexually exploited by the present applicant since last one year. The applicant used to stay

at a temple and there he used to offer his 'Prasad' to his various disciples including the first informant. According to the F.I.R., after the ceremony of Bhajan and Kirtan, the present applicant used to call the prosecutrix and then he used to offer some sweet, which according to the present applicant was offered as a gift from the God, i.e. 'Prasad'. According to the F.I.R., after eating the same, the prosecutrix used to lose her consciousness and thereafter the applicant used to take the advantage of the said situation. The F.I.R. clearly spelt out the case against the present applicant that every time against the wish of the prosecutrix, the applicant forcibly established sexual relation with her. The applicant thus has committed an offence which is serious in nature and his custodial presence is required for in depth investigation in the matter. Further looking to his status as a 'Baba', there is every possibility that he may tamper and pressurize the witnesses, is the apprehension on the part of the prosecution, which in my view is not ill founded.

In that view of the matter, the application is rejected and disposed of.

Interim order dated 07/08/2015 stands vacated.

JUDGE

**sdw*