

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

CRIMINAL APPLICATION (ABA) NO.450/2015

**(Aditya s/o Madhukar Pawar ..vs.. State of Maharashtra, thr. PSO P. S. Khadan,
Akola, Dist. Akola)**

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

Court's or Judge's orders.

Mr. Anil Mardikar, Senior Advocate with Mr. N. R.
Tekade, Advocate for applicant.
Ms T. Udeshi, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATE : OCTOBER 7, 2015.

By the present application, the applicant is seeking anticipatory bail since he is apprehending his arrest in connection with Crime No.116/2014, registered with Police Station, Khadan, Akola for an offence punishable under Section 376 of the IPC.

Heard learned counsel for the parties.

Learned Magistrate passed order on 22.07.2015 while exercising powers under Section 156 of the Cr. P. C. on the application moved by the first informant. Upon that, FIR was registered, in which the applicant is claiming anticipatory bail. From the FIR, it is clear that the prosecutrix is aged about 20 years and according to her, she was taking education in Gulam Nabi Azad College, Barshi Takli. The first informant disclosed the assertion of the fact that the present applicant is son of one Madhukar Pawar, who is one of the lecturers in the said college.

Even as per the FIR, the first informant developed intimacy with the present applicant. According to the FIR, on 24.03.2015, the applicant has mixed some intoxication in Thums Up and thereafter he committed sexual intercourse on her.

The FIR further states that when the first informant enquired with the present applicant as to why he has indulged in such activities, upon that according to the FIR, the applicant submits that since he wishes to marry her, he again committed sexual intercourse on 26.03.2015, 28.03.2015 and on 30.03.2015.

It is stated in the FIR that on 02.04.2015, she approached to Police Station, Khadan but no action was taken by police. However, nothing is placed on record in that behalf before the learned Magistrate.

Thus, there is a considerable delay in lodging the first information report since the application under Section 156 (3) Cr. P. C. is dated 21.07.2015.

This court on 04.09.2015 granted ad interim anticipatory bail in favour of the present applicant. It is not the reply on behalf of the Investigating Officer that the applicant has misused the liberty granted to him. The Investigating Officer wishes to have custodial presence of the present

applicant for taking his blood sample and for recovery of the vehicle. However, it is to be noticed herein that it is not the case of the prosecutrix that she was ravished in any motor vehicle.

Looking to the nature of accusation made against the present applicant, who is also of the age of 22 years, in my view, the custodial presence of the present applicant is not required and the interest of the prosecution can be secured by directing the applicant to attend the Police Station. That leads me to pass the following order.

ORDER

(i) Criminal Application (ABA) No.450/2015 is allowed.

(ii) Applicant-Aditya Madhukar Pawar, in the event of his arrest in connection with Crime No.116/2015 registered with Police Station, Khadan, Akola for an offence punishable under Section 376 of the IPC be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.

(iii) The applicant shall attend Police Station, Khadan, Akola on 10.10.2015 and shall join the investigation and shall be with the Investigating Officer from 10.00 a.m. to 5.00 p.m. Further, he shall attend the Police Station as and when required by Investigating Officer. However, the Investigating

Officer shall give clear cut 24 hours written communication to him.

(iv) The applicant shall not try to influence the prosecutrix or any of the prosecution witnesses.

JUDGE

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