

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH : NAGPUR****Criminal Application No.106 of 2014****(Archana Patil V State of Maharashtra thr PSO PS Pratap Nagar, Nagpur and one another)****With****Criminal Application No.115 of 2014****(State of Maharashtra thr PSO PS Pratap Nagar, Nagpur V Dr Pankaj Pawar)**

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

Court's or Judge's orders

[Shri M.J. Khan, APP for State.
Shri S.Wahane, Adv for Intervenor.
Shri A.C. Jaltare, Adv for resp.no.2.]

CORAM : A.B. CHAUDHARI, J.**DATED : 30.06.2015.**

Heard the learned Counsel for the
rival parties.

Seen the impugned order
15-09-2014 passed by the trial Judge.
The relevant facts of this case are;
the complainant had alleged that she
had love affair with the respondent
since 2011 and during the course of
time, rape was committed on her by the
respondent. Now she is aged about 38
years and she is LL.M. and now pursuing
Ph.D. As the allegations are made the
offence under Section 3(1)(10) of the
Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, was also
added. In respect of the other accused,
by way of order passed in Criminal

Application No. 594 of 2014 they have been granted bail and they are continuing on bail. Insofar as the respondent is concerned, there appears to be unequivocal voluntary agreement which is clear from the facts of the record and looking to the age and higher qualification of the woman i.e. the complainant even otherwise the allegations which I have seen do not make out the offence of rape and it appears to be the breach of trust. Be that as it may, the respondent is on bail for a period of more than nine months without any complaint of misbehaviour. It would be appropriate to allow him to continue on bail as granted by the trial Judge.

However, Shri Khan, the learned APP informs that the charge-sheet has recently been filed. In view of above, I think there is no reason to cancel the bail which is already granted to the respondent. Hence, I make the following order :-

Order

A] Criminal Application No.106 of 2014 and Criminal Application No.115 of 2014 are dismissed.

B] The application for cancellation of bail is not entertained.

C] The respondent to continue on bail.

D] The respondent is directed to visit the Police Station concerned on last Sunday of every month till 11.00 a.m. to 04.00 p.m. and cooperate with the Investigating Officer.

JUDGE

Deshmukh