

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

12 CRIMINAL APPLICATION NO. 1850 OF 2017

AMOL RAJENDRA DONGRE
VERSUS
THE STATE OF MAHARASHTRA

Shri. Amol K. Gawali, Advocate, for applicant.

Shri. S.W. Munde, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 10 April 2017

ORDER:

1) The learned counsel for the applicant argued for interim relief. This Court has gone through the F.I.R. and also the report given by the present applicant against the sister of the first informant. The report was given by the present applicant on 4-1-2017.

2) The present applicant was supplying jar of drinking water to the family of the complainant. She has made allegation that from 5-12-2016 on many occasions the applicant had established physical relations with her

and he had given even promise of marriage. It is the contention of the present applicant that when he gave complaint against the sister of the complainant on 4-1-2017 the complainant felt it necessary to give report and so she gave the report. Crime is registered against the present applicant for offences punishable under sections 376, 452, 509, 506 of the Indian Penal Code. The age of the prosecutrix is 34 years and the age of the present applicant is 27 years. Apparently there is dispute over payment of the charges with regard to supply of drinking water by the applicant to the family of the complainant. In view of these circumstances and as the order of the learned Judge of the Sessions Court does not show that the material of medical examination of the prosecutrix was considered by the Court this Court holds that interim protection needs to be given to the applicant. Learned counsel for the applicant submitted that he will be making himself available for medical examination to ascertain as to whether he is capable of having sexual intercourse. Even statement is made that the applicant is capable of having sexual intercourse.

3) In case of arrest of the applicant in Crime No.84/2017 registered in Satara Police Station, District Aurangabad for offences punishable under sections 376, 452, 509, 506 of the Indian Penal Code he is to be released on bail on his furnishing PR and SB of Rs.15000/- (Rupees fifteen thousand). The applicant is not to tamper with prosecution witnesses. He is not to commit similar offences. He is not to enter 500 meters area on either side where the prosecutrix is residing. The applicant is to attend the concerned police station on 14, 15 and 16 April 2017 between 9.00 a.m. and 12.00 noon and to cooperate police during investigation. If felt necessary the police may send the applicant to the Medical Officer for medical examination. This interim protection is to remain in existence till 21 April 2017.

4) Notice to the respondent. Learned Additional Public Prosecutor waives notice. The APP to produce papers of investigation and argue the matter on 21 April 2017. Stand over to 21 April 2017.

Sd/-
(T.V. NALAWADE, J.)

rs1