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

CRIMINAL APPLICATION NO.5996 OF 2016

Vipul Sanjay Shende (Mali),
Age: 18 years, Occu: Education,
R/o. Taloda, Dist. Nandurbar ..APPLICANT

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Police Station Taloda,
Tq. Taloda, Dist. Nandurbar
2. The Superintendent of Police,
Nandurbar, Dist. Nandurbar ..RESPONDENTS

Mr N. L. Choudhari, Advocate for applicant;
Mr S. D. Ghayal, Advocate for respondents

CORAM : A.S. CHANDURKAR, J.

DATE : 29th NOVEMBER, 2016

ORAL ORDER :

Heard.

2. The applicant seeks protection from arrest pursuant to the registration of Crime No. 98 of 2016 registered at Taloda Police Station, Tq. Taloda, Dist. Nandurbar for the offence under Section 306 the Indian Penal Code and under

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Sections 11 and 12 of Protection of Children from Sexual Offences Act, 2012.

3. The report in question has been lodged by the mother of one Aishwarya dated 23rd September, 2016. It is stated that her daughter was taking education in 11th Standard. In the month of May, 2016, the said Aishwarya had told her mother that the applicant was harassing her and was telling her that she should marry with him, otherwise her parents would be defamed. Between 15th May, 2016 to 20th May, 2016 the applicant was called and given an understanding after which he stated that he would not repeat the aforesaid act. On 9th September, 2016 in the evening, the informant noticed that her daughter was in a disturbed condition. On asking her about the reason, she told by her daughter that the applicant had again threatened her that if she would not marry the applicant, he would throw acid on her and would defame her parents. On 10th September, 2016 the said Aishwarya consumed poison and committed

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suicide. On that basis, the aforesaid crime was registered.

4. It is submitted by the learned Counsel for the applicant that the death of Aishwarya was reported as an Accidental Death. Only as an afterthought, the present report had been lodged. After May, 2016, the applicant had not repeated the said act and he was taking education at Shirpur, District Dhule, which was away from the college of Aishwarya. He submitted that the applicant was a bright student and he had been unnecessarily implicated in the aforesaid offence. He, therefore, submitted that the applicant was entitled for protection.

5. The application is opposed by the learned Additional Public Prosecutor by relying upon the police papers. It is submitted that the statements of friends of Aishwarya indicated that the applicant was harassing her frequently. The statements indicate that on 7th September, 2016

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also the applicant had met Aishwarya and had again told her to marry him. The various statements indicate the subsequent visit by the applicant to the college where Aishwarya was taking education. Her death is shown to have been occurred by consuming poison. The attendance register of the applicant that has been collected by the Investigating Officer indicates his absence from the college on various dates preceding the consumption of poison by Aishwarya.

6. Considering the material gathered at present by the Investigating Officer, I do not find that the applicant has made out a case for protection. Though it is true that the applicant is a student, that itself cannot be a ground to extend protection, especially when the material is collected *prima facie* indicates the involvement of the applicant.

7. In view of aforesaid, the application stands rejected.

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8. It is clarified that the observations made in this order are only for the purpose of deciding the present application.

(A.S. CHANDURKAR, J.)

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