

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

CRIMINAL APPLICATION NO.6652 OF 2015

Ansar S/o. Azam Shaikh
and others

.. **Applicants**

Versus

The State of Maharashtra
and another

.. **Respondents**

Mr.Shaikh Mazhar A. Jahagirdar, Advocate for the
applicants

Mr.K.S.Patil, APP for the respondent/State

**CORAM : A.V.NIRGUDE &
INDIRA K. JAIN, JJ.**

DATED : 07.01.2016

P.C. :-

1. The applicants are original accused Nos.2 to 5 in Crime No.I-338 of 2015 registered with Shrirampur City Police Station. The offences punishable under Sections 376(1), 376(C), 504, 506, 109 r/w 34 of Indian Penal Code are alleged against the accused.

2. The applicants admittedly did not rape the victim. The allegation against them is that they arranged the duty of main accused and the victim, in such a manner that they would remain together for long hours.

3. The main accused is a S.T. Driver and the victim is a Bus Conductor. According to the victim complainant the main accused raped her after following her continuously.

4. We are not inclined to examine the probability and truthfulness of the allegations made against main accused. The allegation is that the applicants purposely and for helping main accused arranged the duties. They at the request of the main accused arranged the duties in such a manner that the main accused and the victim would remain together for long hours. This action on their part would not amount to abetment for the offence of rape. This would at the most amount to the helping the main accused in his alleged courtship with the victim.

5. From the narration in the complaint it is abundantly clear that the main accused gave impression that he was pursuing courtship with the victim. The victim as well as the main accused are major persons. If they had sexual relations, the applicants could not be concerned with it. We also observe that the allegations in the complaint are mere in such a manner that more and more people would come in trouble in the smacks of such mischievous.

6. We are therefore allowing this application. The criminal application is allowed. The F.I.R. in Crime No.I-338 of 2015 registered with Shrirampur City Police Station as against applicants stands quashed.

[INDIRA K. JAIN, J.]

[A.V. NIRGUDE, J.]