

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (ABA) NO. 105 OF 2016**

(YOGESH RAMCHANDRA CHANDANSHIV...VS..STATE OF MAH. THR. PSO PS RAMNAGAR,  
CHANDRAPUR.)

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

**CORAM : Z.A.HAQ, J.**

**DATED : MARCH 21, 2016.**

**CRI.APPLN.(APPP) NO.326/2016.**

Heard Shri A.T.Purohit, advocate for the complainant, Shri S.V.Sirpurkar, advocate for the applicant and Shri K.R.Lule, A.P.P. for the non-applicant.

For the reasons stated in the application, the complainant is permitted to assist the prosecution.

The Criminal Application is allowed.

**CRI.APPLN.(ABA) NO. 105/2016.**

Heard learned advocates for the respective parties.

The applicant is seeking pre-arrest bail apprehending arrest in the crime registered against him for the offences punishable under Sections 376(2)(j), 417 and 506 of the Indian Penal Code.

The crime has been registered against the applicant on the complaint made by the complainant that the applicant, on the pretext/ promise of marriage, induced the complainant to have sexual relationship with him. It is alleged that the applicant had taken obscene MMS/Photographs of the complainant on his cellphone and on the basis of said MMS/ Photographs he had been threatening the complainant and compelled the complainant to succumb to his sexual demands.

Shri A.T.Purohit, learned advocate for the complainant has submitted that in view of the amended provisions of Section 375 of the Indian Penal Code and looking to the gravity of the accusations, the application filed by the applicant be rejected. To support his submission, reliance is placed on the following judgments :

- i) Judgment given by the Hon'ble Supreme Court in the case of *State of M.P. Vs. Pradeep Sharma*, reported in **(2014) 2 SCC 171**;
- ii) Order passed by the Hon'ble Supreme Court in the case of *Rakesh Vs. State of Mah.*, reported in **2015 (3) Mh.L.J. (Cri.) 648**;
- iii) Judgment given by this Court in the case of *State of Sachin Vs. State of Mah.*, reported in **2016(2) Mh.L.J. (Cri.) 269**;

The applicant has qualified M.P.S.C. recently and has joined technical training at Nagpur and Amravati and is presently a probationer. The applicant has stated that he had not been involved in any crime earlier and this is not controverted by the non-applicant. The non-applicant has not been able to show that the custody of the applicant is required for further investigation.

Considering the facts on record, I am of the view that the *ad-interim* order, granted by this Court on 23rd February, 2016 is required to be confirmed.

As I am convinced in the facts of the present case that the applicant is entitled for pre-arrest bail, the judgments/ order relied upon on behalf of the complainant, in my view, do not assist the complainant.

Hence, the following order :

In the event of arrest in Crime No.97 of 2016, registered by the non-applicant, the applicant shall be released on bail on furnishing P.R. Bond in the sum of Rs.Ten Thousand with one solvent surety in the like amount.

The application is allowed in the above terms.

**CRI.APPLN.(APPP) NO. 233/2016**

In view of disposal of the main application, the application for time to file original copy of F.I.R. has become infructuous, hence, it is disposed of.

JUDGE