

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

CRIMINAL APPLICATION (ABA) NO.130/2016

Salimshah s/o Sabaralishah

..Versus..

The State of Maharashtra, through Police Station Officer, Police Station, Murtizapur,
Distt Akola

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 15.4.2016

Heard Shri R.M. Daga, advocate for the applicant and Shri
N.B. Jawade, A.P.P. for the non-applicant.

The applicant apprehends arrest in crime registered against
him for the offence punishable under Section 376, 354 and 506 of
the Indian Penal Code.

The complainant - prosecutrix (aged about 21 years) has
filed complaint that her brother was hospitalized, she was in the
hospital to look after her brother, that the applicant had been to the
hospital in the morning with tea and snacks, that the Medical Officer
had prescribed some medicines and under the pretext of taking the
complainant to medicine shop, the applicant took her on his
motorcycle to secluded place and committed sexual intercourse.

The application is opposed on the ground that the applicant is not co-operating and the motorcycle alleged to have been used by the applicant to take the complainant to the secluded place is to be seized.

This Court by the order dated 21st March, 2016 directed the applicant to attend the police station every alternate day. The learned advocate for the applicant has stated that the applicant has attended the police station accordingly. This fact is not disputed on behalf of the non-applicant. The learned A.P.P. has submitted that part of investigation has been done, however, the investigation is still under progress.

Considering the nature of accusations, the facts on the record and as the non-applicant has not been able to show that the custody of applicant is required for further investigation, in my view, the interim order granted by this Court on 4th March, 2016 is required to be confirmed.

Hence, the following order:

- (i) In the event of arrest in Crime No.299/2015 registered by the non-applicant, the applicant be released on bail on furnishing P.R. Bond for Rs.10,000/- (Rs. Ten Thousand Only).
- (ii) Till the filing of the charge-sheet the applicant shall attend

the police station Murtizapur on every Wednesday between 11 a.m. to 1 p.m.

(ii) The application is **allowed** in the above terms.

CRIMINAL APPLICATION (APPP) NO.301/2016

In view of disposal of main application, this application does not survive and is **disposed of** accordingly.

JUDGE

Tambaskar.