

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.195 OF 2016

(Rakesh Bhojraj Chachane ..vs.. State of Maharashtra, through PSO, PS Aheri, District Gadchiroli)

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.
DATED : 21-04-2016

Heard Shri R.R. Vyas, Advocate for the applicant and Shri A.D. Sonak, Additional Public Prosecutor for the non-applicant.

2. The applicant is seeking pre-arrest bail, apprehending arrest in crime registered against him on the complaint lodged by the prosecutrix (aged about 25 years) that the applicant has forcibly committed sexual intercourse, and offences punishable under Sections 376 and 313 of the Indian Penal Code and Section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are registered against the applicant. The prosecutrix has alleged that the applicant developed physical relationship with her against her wish in December 2011 and thereafter committed sexual intercourse on several occasions because of which she became pregnant and when this was informed to the applicant, he refused to perform marriage.

3. After going through the averments made in the complaint, *prima facie* offence under Section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not made out and the prosecution will have to prove its case.

4. As far as the other offences are concerned, considering the nature of accusations, the facts on record and as the non-applicant has not been able to show that custody of the applicant is required for further investigation, in my view, the interim order granted on 31-03-2016 is required to be confirmed.

5. Hence, the following order :

i) In the event of arrest in Crime/First Information Report No.14/2016 registered by the non-applicant, the applicant be released on bail, on furnishing P.R. Bond for Rs.10,000/-.

ii) The application is allowed in the above terms.

JUDGE