

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

CRIMINAL APPLICATION [ABA] NO.285 OF 2016

[Amar s/o Madhukarrao Wankhede .vs. State of Maharashtra]

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

Court's or Judge's orders

CORAM : S.B. SHUKRE, J.

DATED : SEPTEMBER 28, 2016.

Heard Shri Yogesh V. Nayyar, the learned counsel for the applicant and Shri T.A. Mirza, the learned A.P.P. for the non-applicant-State, who has been assisted by Shri Tushar Mandlekar, the learned counsel for the intervenor-complainant.

The submissions made by the learned counsel for the applicant are strongly opposed by the learned counsel for the prosecution as well as the complainant contending that the allegations are very serious in nature and custodial interrogation of the applicant would be required, inasmuch as, the applicant has remained absconding since registration of the offences against him. It is true that the allegation of rape cannot be taken lightly, but one should also take into account the background of the allegations. If the background of the allegations is considered while perusing the First Information Report, one would find that in a case like the present one, custodial interrogation of the applicant would not be required. He can be put to terms while being released on anticipatory bail. If the complainant was an young victim, this applicant too was an young person and if the love affair between two young persons unfortunately

could not see its logical end, *prima facie*, there is something which goes in favour of the applicant. Then the fact remains that custodial interrogation of the applicant is not required. Therefore, in my view, it will be appropriate to grant this application. Hence, the order.

The application is allowed and interim relief granted to the applicant on 4.5.2016 is hereby confirmed on same conditions with the addition of the following conditions :

The applicant shall attend Wadi Police Station every day between 11 am to 1 pm for a period of two weeks starting from 3.10.2016 and also on such other occasion, as may be required, shall cooperate with the Police Station in the investigation and shall not contact or influence the prosecution witnesses in any manner.

JUDGE

Gulande

C E R T I F I C A T E

“I certify that this order uploaded is a true and correct copy of original signed order.”

Uploaded by : A.S. Gulande, P.A. Uploaded on : 29.09.2016