

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

Criminal Application [ABA] No.312 of 2016

(Priya Parmeshwar Zhamre

vs.

State of Maharashtra, through P.S.O. Ballarpur, District Chandrapur)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri P.V. Rajurkar, Advocate for the Applicant.
Shri S.J. Kadu, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 6th SEPTEMBER, 2016.

Heard the learned Counsel for the applicant and the
learned A.P.P. for the State.

Perused the F.I.R. and the case-diary as well as the
reply of the prosecution.

From the allegations made against this applicant by
the complainant in her oral report dated 19/03/2016, it appears
doubtful, if the offence punishable under Section 452 and also
the offence punishable under Section 384 of the Indian Penal
Code, both of which are non-bailable, would be made out. The
offence *prima facie* disclosed by the allegations would be the one
which would fall under the sweep of Section 451 of the Indian
Penal Code. It is a bailable offence. About the offence
punishable under Section 384 of the Indian Penal Code, it is
significant to note that the essential ingredient of this offence,

the ingredient of putting a person in fear of any injury to that person or any other person, appears to be missing. What has been said by this applicant to the complainant is that she should pay the amount of Rs.40,000/- for compromising the matter in which her son was put behind the bar on the allegation of his making an attempt to commit rape upon another girl and it was further said that if the complainant did not pay the amount, her son would not be bailed out. Stating a consequence of failure to compromise is one thing and issuing a threat of putting a person in fear of injury upon failure to compromise is another thing. That seems to have not been done in this case. Therefore, a doubt is created about *prima facie* making out of the offence punishable under Section 384 of Indian Penal Code as against this applicant. The other offences registered in this crime and punishable under Section 354-A of the Indian Penal Code and relevant sections of the Protection of Children from Sexual Offences Act, do not have any nexus with the present applicant.

In these circumstances, registration of the previous crimes against this applicant would not come in the way of this applicant in seeking the relief of anticipatory bail in this crime. I am, therefore, inclined to grant this application.

The application is allowed and the interim anticipatory bail granted to the applicant by this Court on 13th May, 2016 is hereby confirmed on the same conditions with the

addition of the condition that the applicant shall attend the police station everyday between 11:00 a.m. and 01:00 p.m. for a period of one week starting from 8th September, 2016 and also on such other occasions as may be required. The applicant shall not in any way contact or influence to the complainant and other prosecution witnesses.

The application is disposed of in the aforesaid terms.

JUDGE

**sdw*

C E R T I F I C A T E

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

Uploaded by: S.D. Waghmare
P.A. to the Hon'ble Judge.

Uploaded on : 07/09/2016