

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

CRIMINAL APPLICATION NO.417/2016

Ganesh Madhaorao Navghare..vs..State of Maharashtra thr.PSO P.S. Malegaon, Dist. Washim

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

Court's or Judge's orders

Mr. A. D. Giradkar, Advocate for applicant.
Mr. S. S. Doifode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATE : JUNE 15, 2016

Heard Mr. Giradkar, the learned counsel for the applicant and Mr. Doifode, the learned A.P.P. for the non applicant-State.

The applicant was arrested in connection with Crime No.189/2015, registered with Police Station Malegaon, District Washim for an offence punishable under Section 376, 313, 506, 307 read with Section 34 of the Indian Penal Code read with Section 4 and 8 of the Protection of Children From Sexual Offences Act, and Section 33 of the medical Practitioner Act.

The State has filed a detailed reply. The reply shows that after registration of the crime, the applicant was absconding and he was arrested only on 27.01.2016.

The prosecutrix was regularly followed by the present applicant and the applicant used to make indecent gestures to her. The applicant forcibly committed sexual intercourse against the will and wish of the prosecutrix and also extended the threat that she should not disclose the fact to anybody. It is the further case of the prosecution that thereafter the applicant established sexual relations with the prosecutrix on the pretext that he will marry with the prosecutrix. Due to the said relationship, the prosecutrix became pregnant but thereafter she was taken to the hospital of the co-accused Dr. Kale, who

illegally aborted her pregnancy. Thereafter on 26.10.2015, the applicant tried to forcibly administer poison to the prosecutrix.

After the poison was administered, the prosecutrix was admitted to the Government Hospital by the people of the village. The vomits and the other samples are already sent to the Chemical Analyser and report of the same is yet to be received. Further, when search of the house of the applicant was done, that time, a bottle of poison Dupont Corageh was found.

Looking to the fact that the applicant is accused of a serious offence like commission of rape and, thereafter, trying to finish the prosecutrix in order to done away with the evidence against him and the fact that the applicant was absconding after registration of the offence, the applicant is not entitled to any relief.

In view of above, the application is rejected.

JUDGE