

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

CRIMINAL APPLICATION (BA) NO.531/2017

Sayyad Arif Ali S/o Akbar Ali

..Vs..

State of Maharashtra, through its Police Station Officer, Yashodara Nagar,
Nagpur

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

Court's or Judge's orders

Shri N.B. Bargat, Adv. for the applicant.
Shri A.D. Sonak, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 18.7.2017.

Heard.

The applicant is arrested on 6th October, 2016 in connection with Crime No.239/2016 registered for the offence punishable under Sections 376(2)(f)(k), 342 and 347 of the Indian Penal Code.

The crime is registered on the complaint lodged by prosecutrix, aged about 26 years who is niece of the applicant. According to the prosecutrix, the crime is committed in the house of applicant, applicant having exploited the situation that the prosecutrix is required to reside in the house of applicant as there is some matrimonial dispute between the prosecutrix and her husband.

The investigation is complete and charge-sheet is filed on 4th January, 2017. The non-applicant has not been able to point out that further

custody of applicant is required for investigation. The learned A.P.P. has submitted that anxiety of prosecution / investigating agency is that the prosecutrix continues to reside in the house of applicant and there is a chance that the applicant may again try to commit the crime. This factor also weighed on my mind, however, the wife of the applicant, daughter of applicant and the prosecutrix have filed affidavits stating that they are not interested in pursuing the matter further and as inspite of these affidavits I could not convince myself to grant the prayer made in the application therefore, matter was referred to Mediator directing the deponents to appear before the learned Mediator. The learned Mediator has submitted report dated 14th July, 2017 recording that the deponents have reiterated that they are not interested in pursuing the matter against the applicant.

In the above facts, following order is passed:

The applicant having been arrested in connection with Crime No.239/2016 registered by the non-applicant, he be released on bail on executing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand) and furnishing one solvent surety in the like amount.

The application is **allowed** in the above terms.

JUDGE