

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

**CRIMINAL APPLICATION (ABA) NO.642 OF 2017**

**Ketan s/o Keshav Dakhure**

**..vs..**

**State of Maharashtra, through PSO, PS Jaripatka, District Nagpur**

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

Court's or Judge's Order

Shri Piyush Rajurkar, Counsel for the applicant.

Shri T.A. Mirza, Addl.P.P. for the State.

**CORAM : V.M. DESHPANDE, J.**

**DATED : SEPTEMBER 11, 2017.**

Though this application for pre-arrest bail is coming for the first time, learned Additional Public Prosecutor Shri T.A. Mirza for the State is ready with the instructions and is having police papers. Not only that, he has filed the reply on record.

Heard learned counsel Shri Piyush Rajurkar for the applicant and learned Additional Public Prosecutor Shri T.A. Mirza for the State.

The applicant is apprehending his arrest in connection with Crime No.505 of 2017 registered with Police Station Jaripatka, Nagpur for the offences punishable under Sections 376, 354-B, 384, 385, and 506 read with Section 34 of the Indian Penal Code and Section 67(A) of the Information

Technology Act, 2000. Therefore, the applicant is before this Court.

The victim is aged about 32 years and is a divorcee having one son. The applicant is a student taking education in the Veterinary College at Nagpur.

According to the first information report, the victim was followed by the present applicant in the month of May 2017 at Eternity Mall, Sitabuldi, when she was there along with her relatives. Not only that, according to the first information report, the applicant took the card of one Globus Store when said card was presented by the victim to the counter. Surprisingly for this, from the first information report, it is clear that no attempt was made by the victim to recover the same.

This particular assertion made in the first information report *prima facie* cannot be believed since she was accompanied by her relatives and in spite of such an attempt of following her by the applicant, there was no resistance either by the victim or by any of the relatives.

The first information report which is a detailed report *prima facie* shows that during the course of the time it appears that the victim also developed some type of liking for the applicant and there was a sexual relation between the applicant and the victim.

If this aforesaid statement of establishment of sexual relation is accepted, looking to the nature of the accusations made in the first information report, it is clear that *prima facie* one can reach to the conclusion that it was the act of consent by a fully grown lady.

The other part of the first information report that the applicant has videographs, his acts are also not believable since those acts were in the month of January 2017 and the first information report is lodged on 10.8.2017.

In such type of matters especially when the victim is not a small girl and when the consent is spelt out, at least *prima facie* lodging of the report at belated stage presumes importance. The custodial presence of the applicant is required as per the reply for interrogation purposes. The said can be served by directing the applicant to attend the police station, as per order below:

#### ORDER

i) The criminal applicant is allowed.

ii) In the event of arrest of the applicant, the applicant be released on bail on he executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount in connection with Crime No.505 of 2017 registered with Police

**Station Jaripatka, Nagpur for the offences punishable under Sections 376, 354-B, 384, 385, and 506 read with Section 34 of the Indian Penal Code and Section 67(A) of the Information Technology Act, 2000.**

**iii) The applicant shall attend the police station on 13.9.2017 and 14.9.2017 and shall be with the investigating officer from 11:00 a.m. to 5:00 p.m.**

**iv) The applicant shall not tamper with the prosecution witnesses nor shall try to contact with victim in any manner whatsoever in nature.**

**JUDGE**

**!! BRW !!**

**...../-**