

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No. 709 of 2017
[Nitin Ramesh Hirulkar & another Vs. State of Mah., Rajapeth PS, Amravati]

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

Court's or Judge's orders

Mr. V. L. Navlani, Adv., for the applicants.
Mr. S. M. Ghodeswar, APP for respondent-State.

CORAM : A. S. CHANDURKAR, J.

DATE : 31st October, 2017

The applicants apprehend their arrest in connection with Crime No. 683/17 registered at Rajapeth Police Station, Amravati, for the offences punishable under Sections 376 (2) (n), 292, 109, 354-A and 506 of Indian Penal Code.

As per the First Information report, the informant was residing along with the family of the applicants since June, 2017. According to the informant, for about two-and-half-months, she resided with the applicants' family. In the meanwhile, applicant no.1 told her to view blue films along with the applicants. The informant was administered sedatives and the applicant no.1 took advantage of her such condition. On this basis, the crime came to be registered.

It is submitted on behalf of the applicants that the applicants as well as the informant were well acquainted with each other. The informant's mother had been advanced a sum of Rs. 5,00,000-00. The said amount was sought to be repaid; but the cheque in question was dishonoured. On 6th July, 2017 and 7th August, 2017, the applicant no.1 had made a complaint with the police authorities apprehending trouble at the instance of the informant's mother. It is submitted that proceedings under Section 138 of the Negotiable Instruments Act were also filed and merely to pressurize the applicants, the crime came to be registered.

The application is opposed by the learned Addl. Public Prosecutor by relying upon the reply. It is submitted that the statements recorded indicate prima facie involvement of the applicants and their custodial interrogation is necessary for recovering the laptop as well as the compact disc. As the offence in question is of serious nature, the application is liable to be rejected.

Perused the First Information Report as well as other material placed on record.

On 1st July, 2017, the informant lodged a report stating therein that she was residing at her own will in the house of the applicants and that she apprehended that her mother was likely to get her married against her wishes. Thereafter on 6th July, 2017 and 7th August,

2017, the applicant no.1 has lodged a report against the informant's mother. On 12th September, 2017, applicant no.1 filed complaint under Section 138 of the Negotiable Instruments Act, 1981. The report in question is dated 16th September, 2017. The statements recorded indicate that as the informant sought to leave the house of the applicants, she was brought back by the present applicants. The medical examination of the informant does not give any exact opinion regarding forceful sexual violence. However, there are no injuries on her private parts.

Considering the earlier notices issued by the parties and reports lodged, I find, the applicants are entitled for protection subject to their co-operating with the investigation.

In view of aforesaid, in the event of applicants' arrest in connection with Crime No. 683/17 registered at Rajapeth Police Station, Amravati, for the offences punishable under Sections 376 (2) (n), 292, 109, 354-A and 506 of Indian Penal Code, they shall be released on bail on executing a Personal bond in the sum of Rs. 20,000/- [rupees twenty thousand only] each with one surety each in the like amount. The applicants shall attend the concerned Police Station on 7th November, 2017 between 11.00 a.m., and 1.00 p.m. and thereafter as per the directions of the Investigating Officer. No steps be taken to influence the informant and other

prosecution witnesses.

The observations made in this order are only for deciding the present application which is allowed and disposed of.

Judge

[hedau]