

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

CRIMINAL APPLICATION (ABA) NO.726/2017

Yogesh s/o Balkrishna Waghmare

..vs..

State of Mah., thr. PSO PS Borgaon Manju, Taluka and District Akola

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

Court's or Judge's Order

Shri S.V. Sirpurkar, Counsel for the applicant.

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

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 12, 2017.

1. Heard learned counsel Shri S.V. Sirpurkar for the applicant and learned Additional Public Prosecutor Shri T.A. Mirza for the State.

2. The applicant is apprehending his arrest in connection with Crime No.261 of 2017 registered with Police Station Borgaon Manju, District Akola for the offences punishable under Section 376(1) of the Indian Penal Code read with Sections 3(1)(w), 1 and 2 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The prosecutrix is aged about 24 years.

4. According to the reply and the prosecution case, the prosecutrix and the present applicant were school mates and on 1.12.2016 the applicant has committed forceful sexual

intercourse with the prosecutrix. In spite of that, no report was lodged by the prosecutrix on the ground that the applicant gave assurance that he will marry with the prosecutrix. It is further the case of the prosecution that subsequently the applicant and the prosecutrix went to Shegaon on 3.12.2016 under the pretext that he will perform marriage in the temple. It is further the case of the prosecution that there also the applicant has committed forceful sexual intercourse.

5. The first information report is lodged on 27.7.2017. Thus, there is a huge delay in lodging the first information report. Further, the prosecutrix is a major and she understands the physical relations between man and woman.

6. Looking to the nature of the accusations made against the present applicant, in my view, the applicant has made out a case for grant of anticipatory bail. Consequently, I pass the following order:

ORDER

(i) The criminal application is allowed.

(ii) In the event of arrest of applicant Yogesh Waghmare, in connection with Crime No.261 of 2017 registered with Police Station Borgaon Manju, District Akola for the offences punishable under Section 376(1) of the Indian Penal Code read

with Sections 3(1)(w), 1 and 2 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicant be released on bail on he executing a P.R. Bond in the sum of Rs.5,000/- with one solvent surety of the like amount.

(iii) The applicant shall not cause any prejudice to the prosecution case.

(iv) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

...../-