

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

CRIMINAL APPLICATION (ABA) NO.771 OF 2017

Kushal s/o Shankarrao Hatwar, Tah. Parsioni, Nagpur and ors.

-vs-

State of Maharashtra, Thr. PSO, PS Kanhan, Dist. Nagpur

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

Court's or Judge's Orders.

Shri A. Gupta, Senior Advocate with Shri M. N. Ali,
Advocate for applicants.
Shri J. Y. Ghurde, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.
DATE : December 05, 2017

Criminal Application (Appp) No.1860 of 2017

For reasons stated in the application, the same is
allowed in terms of its prayer.

Application is disposed of.

Criminal Application (ABA) No.771 of 2017

The applicants apprehend their arrest in connection with Crime No.318/2017 registered with Police Station Kanhan, Dist. Nagpur for the offence punishable under Sections 307, 376(2)(N), 417, 506 and 34 of the read with Section of the Indian Penal Code.

At the outset learned senior counsel for the applicants, on instructions, does not desire to prosecute the application in so far as applicant No.1 is concerned. Hence prayer in that regard is accepted.

As per the First Information Report dated 04/10/2017 the informant has stated that since the year 2014 she was familiar with applicant No.1. The applicant No.1 had promised the informant that he would marry her and on that basis established sexual relationship with her. This continued for almost three years. The informant used to visit the office of applicant No.1 with a view to ensure that the promise made would be fulfilled. On 09/09/2017 the informant intended to lodge a report with Police Station Kanhan however, the applicants did not permit her to do so. It is stated that the informant was taken to office of applicant No.1 and thereafter poison was sought to be administered to her. The informant was then admitted to Lifeline Hospital for about 7-8 days. Three days after her discharge on 04/10/2017 the report came to be lodged.

While granting interim protection to applicant Nos.2 to 4 this Court on 09/11/2017 had directed the applicant No.4 to appear before the Investigating Officer and hand over the mobile phone in which it was stated that the alleged incident dated 09/09/2017 has been recorded. Pursuant to these directions the applicant No.4 handed over his mobile phone. An additional affidavit has been filed by the Investigating Officer on 28/11/2017. In that affidavit, it is stated that a transcript of the conversation between applicant No.1 and the informant has been prepared and same is being verified.

After hearing the learned counsel for the parties including the counsel for the informant and after perusing the

case diary, I find a case is made out by applicant Nos.2 to 4 for grant of protection. The transcript in question indicates conversation between the applicant No.1 and the informant. Presence of applicant No.2 and 3 on 09/09/2017 in the office of applicant No.1 appears doubtful. The allegations are principally levelled against the applicant No.1.

Though it is urged on behalf of the complainant that certain non-cognizable reports have been lodged against the applicant Nos.1,2 and 4 for alleged threats given to the complainant, as I find applicant Nos.2 to 4 entitled for protection, they can be directed to co-operate with the investigation and not give threats to the complainant.

Accordingly in the event of arrest of applicant Nos.2 to 4 in connection with Crime No.318/2017 registered with Police Station Kanhan, Dist. Nagpur for the offence punishable under Sections 307, 376(2)(N), 417, 506 and 34 of the read with Section of the Indian Penal Code, they shall be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with one surety each in the like amount.

They shall attend the concerned police station as and when directed by the Investigating Officer. No steps be taken to influence the prosecution witnesses.

If any instance of extending threats is noticed, the prosecution is at liberty to seek cancellation of bail.

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

JUDGE