

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

CRIMINAL APPLICATION (BA) NO.1070 OF 2017

Viplove s/o Sushil Aahirwar, Ramkrushna Nagar, Dattawadi, Nagpur

-vs-

State of Maharashtra, Thr. PSO, PS Nandanvan, 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. N. Ansari, Advocate for applicant.
Ms Geeta Tiwari, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 27, 2017

The applicant who has been arrested on 15/09/2017 in connection with Crime No.346/2017 registered with Police Station Nandanwan, Dist. Nagpur for the offence punishable under Sections 376 (2)(n), 406 and 506 of the Indian Penal Code seeks his release on bail.

As per the First Information Report dated 14/09/2017 the applicant developed friendship with the informant who was also a student like him. According to the informant in September 2016, the applicant established sexual relationship with her and promised to marry her. He demanded certain amounts from the informant on the ground that he was in need of the same. This continued for almost a year. In August 2017 it is stated that the applicant had threatened the informant. In September 2017 the applicant refused to marry the informant and on that basis this report came to be lodged.

It is submitted on behalf of the applicant that there was a consensual relationship between the parties. Whether the applicant had given any promise of marrying the informant was a matter of evidence. It is submitted that the applicant is a student and is behind bars for more than two months. Considering the nature of allegations, the applicant deserves to be released on bail.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that the statement of the informant reveals the relationship between the parties. Though relevant material has been seized, the investigation is not yet complete. There is likelihood of the applicant influencing the informant if he is released on bail.

Perused the Report as well as other material collected by the prosecution. The same indicates that since September 2016 the parties were knowing each other and they continued with their relationship. After the arrest of applicant, his mobile phone has been seized. The report of the Forensic Laboratory is awaited. However considering the fact that the applicant is a student and is behind bars for more than two months, he can be directed to be released on bail subject to appropriate conditions.

Hence the applicant who has been arrested on 15/09/2017 in connection with Crime No.346/2017 registered with Police Station Nandanwan, Dist. Nagpur for the offence

punishable under Sections 376 (2)(n), 406 and 506 of the Indian Penal Code, is directed to be released on bail on furnishing PR Bond of Rs.20,000/- (Rupees Twenty Thousand) with one surety in the like amount.

The applicant shall co-operate in completion of the trial. He shall not contact the informant or visit the place of her residence during pendency of the trial. He shall not take any steps to influence the prosecution witnesses.

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

JUDGE