

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

CRIMINAL APPLICATION (ABA) NO.803 OF 2017

Dipraj s/o Siddharth Ramteke, Laghuvetan Colony, Indora, Kamptee Road, Nagpur

-vs-

State of Maharashtra, Thr. PSO, PS Jaripatka, 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 C. S. Dharmadhikari, Advocate for applicant.
Shri S.M. Ghodeswar, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.
DATE : November 29, 2017

Heard.

The applicant apprehends his arrest in connection with Crime No.440/2017 registered with Police Station Jaripatka, Dist. Nagpur, for the offence punishable under Section 376(2) (n) of the Indian Penal Code.

As per the First Information Report, the informant who is aged about 37 years and has two children from her earlier marriage has stated that in February 2017 she was introduced with the applicant and thereafter there developed relationship between them. On 10/04/2017 it is stated that the applicant assured to complainant that he would marry her and established sexual relationship. Thereafter the applicant refused to fulfill the promise and hence the report in question was lodged on 13/07/2017.

It is submitted on behalf of the applicant that at the

highest it can be said that the relationship between the parties was consensual in nature. The informant was married earlier but her husband had expired in the year 2014. The applicant is pursuing his higher education and there is no reason to direct his custodial interrogation.

The application is opposed by the learned Additional Public Prosecutor by filing reply. It is submitted that the statements made in the report indicate that the applicant had entered into said relationship by promising to marry the complainant. The medical examination of the informant also supports the prosecution.

Perused the First Information Report as well as statements relied. According to the complainant she was familiar with the applicant since February 2017 and thereafter they were meeting each other regularly. Considering the nature of allegations made in the report, I find applicant can be directed to co-operate with the investigation and there is no need for his custodial interrogation.

Accordingly, in the event of applicant's arrest in connection with Crime No.440/2017 registered with Police Station Jaripatka, Dist. Nagpur, for the offence punishable under Section 376(2)(n) of the Indian Penal Code, he shall be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

The applicant shall attend the concerned police station as and when directed by the Investigating Officer.

No steps be taken to influence the prosecution witnesses.

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

Pending misc. applications are also disposed of.

JUDGE