

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

CRIMINAL APPLICATION (BA) NO.1104 OF 2017

Chetan Bhivraj Wanjari, labourer, Post Gangla, Tirora, Dist. Gondia

-vs-

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

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

Court's or Judge's Orders.

Shri Shashikant Borkar, Advocate for applicant.
Shri S. M. Ghodeswar, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.
DATE : November 30, 2017

The applicant who has been arrested on 03/10/2017 in connection with Crime No.440/2017 registered at Police Station Tirora, Dist. Gondia for the offence punishable under Sections 376 (2)(n) and 417 of the Indian Penal Code as well as Sections 4 and 6 of the Protection of children from Sexual Offences Act, 2012, seeks his release on bail.

As per the Report dated 30/09/2017, the informant has stated that while pursuing her studies in the year 2015 she got acquainted with the applicant who was also resident of the same village. During the course of that acquaintance, they developed friendship resulting in establishment of sexual relations. It is stated that the applicant had promised to marry the informant and he refused to do. Subsequently the report was lodged.

It is submitted on behalf of the applicant that considering the nature of relationship between the parties, it can be said

that there was consent on the part of the informant. Their relationship continued for more than a year and it is only in October 2017 that this report has been lodged. It is further submitted that investigation is almost complete and hence the applicant be released on bail.

The application is opposed by the learned Additional Public Prosecutor by filing reply. It is submitted that the applicant has taken advantage of the situation and therefore he does not deserve to be so released. There is likelihood of the applicant influencing the witnesses.

Perused the police papers and the statement of the informant. It appears that the relationship between the parties was consensual in nature. The investigation in the crime is almost complete. The applicant is behind bars for almost two months. He can be released by imposing appropriate conditions.

Hence the applicant Chetan Bhivraj Wanjari who has been arrested on 03/10/2017 in connection with Crime No.440/2017 registered at Police Station Tirora, Dist. Gondia for the offence punishable under Sections 376 (2)(n) and 417 of the Indian Penal Code as well as Sections 4 and 6 of the Protection of children from Sexual Offences Act, 2012, is directed to be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

After release, the applicant shall not enter the jurisdiction

of Police Station Tirora till the completion of the trial except for attending the proceedings in the present case. 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.

JUDGE