

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

CRIMINAL APPLICATION (ABA) NO.871/2017

Jitendra s/o Suresh Shende

..vs..

State of Mah., thr. PSO Amgaon, District Gondia

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

Court's or Judge's Order

Shri S.G. Karmarkar, Counsel for the applicant.

Shri Amit Madiwale, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 18, 2017.

Criminal Application (APPP) No.2148/2017

1. This is an application for permission to assist the prosecution.
2. Heard learned counsel Shri N.H. Samundre for the complainant.
3. The criminal application is allowed.
4. Learned counsel Shri N.H. Samundre is permitted to assist learned Additional Public Prosecutor Shri Amit Madiwale for the State.
5. The criminal application is disposed of.

Criminal Application (ABA) No.871/2017

1. This is an application for anticipatory bail since

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the applicant is apprehending his arrest in connection with Crime No.315 of 2017 registered with Police Station Amgaon for the offences punishable under Sections 417 and 376 of the Indian Penal Code.

2. Heard learned counsel Shri S.G. Karmarkar for the applicant, learned Additional Public Prosecutor Shri Amit Madiwale for the State, and learned counsel Shri N.H. Samundre for the complainant.

3. The complaint is lodged by the prosecutrix herself. From the report it is clear that she is not only a major but she was in love with the present applicant and according to the first information report, the applicant has given a promise to marry with her and, thereafter, has established sexual intercourse.

4. The reply filed on behalf of the non-applicant/State shows that even before approaching this Court, the applicant has co-operated with the investigating agency. Not only that, the investigating officer has sent the applicant for his medical test and he was medically examined.

5. Learned Additional Public Prosecutor Shri Amit Madiwale for the State submits that the custody of the applicant is necessary because the applicant has given evasive reply during the course of the interrogation. He further submits on the basis of the police papers that though the

charge-sheet is not filed, entire investigation is over and only the charge-sheet is remained to be filed.

6. Looking to the fact that the victim is a major and she was in love with each other and medical test of the applicant is already over and investigation is almost over, no fruitful purpose will be served by rejecting the application and asking the applicant to be in custody. Hence, I pass the following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant Jitendra s/o Suresh Shende, in the event of his arrest in connection with Crime No.315 of 2017 registered with Police Station Amgaon for the offences punishable under Sections 417 and 376 of the Indian Penal Code, the applicant be released on bail on he executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount.

(iii) The applicant shall attend the police station twice a week i.e. on every Monday and every Wednesday of every week and shall be with the investigating officer from 11:00 a.m. to 5:00 p.m.

for next one month. Thereafter, the applicant shall attend the police station once in a month i.e. on 3rd Sunday of every month, till the charge-sheet is filed.

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

JUDGE

!! BRW !!

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