

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

Criminal Application [ABA] No.149 of 2018

Aniket s/o Vikas Vaidya and another

vs.

State of Maharashtra, through P.S.O. Warora, District Chandrapur

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

Court's or Judge's Orders

Shri S.V. Sirpurkar, Advocate for the Applicants.
Ms. R.V. Kalia, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 2nd APRIL, 2018.

Heard.

Perused the reply of the prosecution and the case diary. It is seen that the victim of the crime was aged about 17 years when the alleged offence took place. In a statement, the victim of crime does not say anything about the use of force. But, she states that there was love affair between herself and applicant no.1 since about one year. It is also seen that the victim of crime had left along with this applicant no.1 in the afternoon of 5th February, 2018 and then the applicant no.2 joined the applicant no.1 and the victim and later on the victim of the crime moved around with both the applicants from one place to another and ultimately she returned in the night of 7th of February, 2018. It is also seen that undisputedly the victim of crime had refused to submit herself for any medical examination on the first date of her appearance before the police, which was on 8th February, 2018 and later on perhaps on the persuasion of her parents, she submitted herself for medical examination. Her medical examination took place on 9th February, 2018.

Considering all these facts, it appears *prima facie* that the victim was standing on the threshold of attaining maturity and that she knew about the consequences of her conduct in this case.

The learned Counsel for the applicants submits that the applicant no.1 would present himself to the Investigating Officer for his any kind of medical examination including offering of samples of his body fluids.

In view of the above, I am of the opinion that this application can be granted. The application is allowed and the interim bail granted to the applicants by this Court on 12th March, 2018 is hereby confirmed on the same conditions with the clarification that now the applicants shall attend the Police Station Warora everyday between 10:00 a.m. and 01:00 p.m. for a period of one week starting from 9th April, 2018 and thereafter as and when required by the police.

The application is disposed of in the above terms.

JUDGE

*sandesh