

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

Criminal Application [ABA] No.165 of 2018

Saurabh s/o Sunil Gande

vs.

State of Maharashtra, through P.S.O. Parva, Tah. Ghatanji, Dist. Yavatmal

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

Court's or Judge's Orders

Shri P.S. Chawhan, Advocate for the Applicant.
Shri S.D. Sirpurkar, A.P.P. for the Non-Applicant/State.

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

Heard the learned Counsel for the applicant and the learned A.P.P. for the State.

Perused the reply of the prosecution and also the case diary. On going through the material available on record, I am of the view that *prima facie* case for the offences, which are registered against this applicant, has been made out. *Prima facie*, this appears to be a case of infatuation developed in a one sided manner by this applicant for the victim of crime, who is aged about 16 years. If this applicant has been preparing for his examination, so does the victim of crime.

Considering the nature of allegations made against this applicant, I am of the view that if this application is allowed, even the victim of crime would be disturbed in her studies as there is a possibility of this applicant carrying out the similar activities as he did in the past. As such, this is not a fit case for grant of anticipatory bail.

At this stage, the learned Counsel for the applicant submits that the only reason for rejection of his application by

the Sessions Court was recovery of the motorcycle, which was not given by this Court earlier. If the learned Session Judge has not considered a relevant fact, that would not mean that this Court should also ignore it while exercising discretion under Section 438 of the Code of Criminal Procedure. The argument of the learned Counsel for the applicant stands rejected.

The application is accordingly rejected.

JUDGE

**sandesh*