

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

CRIMINAL APPLICATION (APPLN) NO.12 OF 2017

(Shahin Parveen d/o Amir Khan ..vs.. State of Maharashtra, through PSO, PS Shegaon, Khamgaon and another)

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

Court's or Judge's orders

Ms. D.S. Pachkhede, Counsel for the applicant,
Shri N.H. Joshi, Addl.P.P. for non-applicant/State,
Shri G.S. Umale, Counsel h/f. Shri A.B. Mirza, Counsel for non-applicant
2.

CORAM : ROHIT B. DEO, J.

DATED : 19-07-2018

This is an application under Section 439(2) of the Criminal Procedure Code seeking cancellation of anticipatory bail granted by the learned Sessions Judge on 23-3-2016 in Crime 196/2015.

2. The learned Counsel for the applicant submits that after grant of anticipatory bail, on the basis of the statement of the applicant-complainant, additional offence under Section 376 of the Indian Penal Code is also resisted against non-applicant 2. It does appear that non-applicant 2 was charge-sheeted for offence punishable under Section 376 of the Indian Penal Code.

3. Initially the first information report was registered for offences punishable under Sections 498-A, 406, 417, 504 and 506 read with Section 34 of the Indian Penal Code.

4. The subsequent statement on the basis of which the offence under Section 376 is registered is that non-applicant 2 induced the applicant to submit to sexual intercourse by giving false assurance of marriage. The applicant stated in the subsequent statement that when she insisted for marriage, non-applicant 2 accused prepared false *Nikahnama*.

5. I have scrutinized the order of the learned Sessions Judge dated 30-1-2017 rejecting the application for cancellation of anticipatory bail. The order is well reasoned. Other than registration of the offence under Section 376 of the Indian Penal Code, the applicant claims that she was threatened. This aspect has been looked into by the learned Sessions Judge in paragraph 4 of the order rejecting application for cancellation of bail.

6. I see no reason to take a different view.

7. The learned Counsel are not in a position to state whether the trial has commenced. Be that as it may, considering that the charge-sheet is filed in July 2016, the learned trial Court is requested to frame charge, if the charge is already not framed, and conclude the trial within six months from the date of the communication of this order.

8. With these observations and directions, the application is disposed of.

JUDGE

adgokar