

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

CRIMINAL APPLICATION (ABA) NO.335 OF 2018

(Sushil s/o Mahindra Lokhande ..vs.. State of Maharashtra, through PSO, PS Chimur)

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

Court's or Judge's orders

Shri M.V. Rai, Counsel for the applicant,
Shri N.B. Jawade, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 05-06-2018

The applicant is apprehending arrest in Crime 138/2018 registered at Police Station Chimur, District Chandrapur for offence punishable under Sections 354, 376(j)(k)(n), 317, and 506 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act.

2. It is not in dispute that the prosecutrix lodged two reports. The first report was lodged on 13-2-2018 and the limited grievance made was that although the prosecutrix and the accused were in relationship and that the accused promised marriage, he did not keep the promise. However, in the second report lodged a month thereafter on 12-3-2018 serious allegations are made. The submission of the learned Counsel Shri M.V. Rai that the allegations made in the second report are after thought, *prima facie*, does not appear to be without substance.

3. Shri N.B. Jawade, learned Additional Public Prosecutor points out that the earlier application for seeking anticipatory bail was withdrawn. However, the submission of the learned Counsel Shri M.V. Rail is that the application was withdrawn since the State contended that the cell phone of the applicant was yet to be recovered and the said device was subsequently recovered and seized.

4. Pursuant to the interim order dated 18-5-2018, the applicant has attended the Police Station Chimur and a statement is made by Shri M.V. Rai that the medical examination of the accused is also conducted. It is not the grievance of the State that the applicant has not cooperated in investigation.

5. In the light of the material on record, I am inclined to allow the application seeking anticipatory bail.

6. The interim order dated 18-5-2018 is confirmed.

7. The applicant shall attend the Police Station Chimur every Saturday till filing of the charge-sheet.

8. The applicant shall not tamper with the evidence nor shall attempt to influence the witnesses in any manner.

9. The application is disposed of accordingly.

JUDGE

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