

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

CRIMINAL APPLICATION (BA) NO.573 OF 2018

(Yogesh s/o Shriram Gharde Vs. State of Maharashtra thr. PSO PS Ramnagar,
Chandrapur)

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

Court's or Judge's orders.

Shri C.F. Bhagwani, Advocate for Applicant.
Shri T.A. Mirza, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 29th JUNE, 2018.

The applicant is in custody since 25.04.2018 in connection with Crime 355/2018 registered at Police Station Ramnagar, Chandrapur for offence punishable under section 376(2)(n) and 506 of the Indian Penal Code read with section 67 of the Information Technology Act.

The first information report is lodged by the victim on 24.04.2018. Serious allegations are made against the applicant. It is *inter alia* alleged that the applicant forced the victim to succumb to his demand for sexual favour. The applicant is alleged to have established sexual contact with her from September 2017 to November 2017.

Shri Bhagwani, the learned counsel for the applicant invites my attention to the complaint dated 22.02.2018 lodged by the victim which is treated as non-cognizable by Police Station Durgapur, Chandrapur. In the said complaint, the victim alleged that she developed

a relationship with the applicant and after coming to know that the applicant was already married she terminated the relationship. The next complaint is lodged on 01.03.2018. In the said complaint what is essentially alleged that although the victim ended her relationship with the applicant, he continued to contact and threaten the victim. The other complaint is by the mother of the victim which is also lodged on 01.03.2018.

It appears that the contents of the first information report are at substantial variance from the earlier complaints. Since the investigation is on going and the charge-sheet is yet to be filed it would not be appropriate for this court to make any emphatic observation. However, at least at this stage, it does appear that the first information report is lodged due to relationship having gone sour. It does appear that the allegation that the accused subjected the victim to forcibly sexual intercourse repeatedly could be a case of over implication. This of course is only a *prima facie* observation and would be subject to what is unearthed during investigation and proved in the course of trial.

In the light of the material on record, I do not see any reason why the applicant should languish in jail.

The application is allowed.

[1] The applicant be released on furnishing personal bond of Rs.15,000/- with a solvent surety of the like amount.

[2] The applicant shall not attempt to contact the

victim or any of her relatives. Any breach of this condition shall *ipso facto* entail the cancellation of bail.

- [3] The applicant to attend Police Station Ramnagar, Chandrapur as and when required by the investigating officer, till the filing of the charge-sheet.

The application is disposed of accordingly.

JUDGE