

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

CRIMINAL APPLICATION (ABA) NO.935/2017

Yogesh Raju Shahare ..vs.. The State of Maharashtra through PSO P. S.
Gondia City, Gondia.

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

Court's or Judge's orders.

Mr. A. M. Sharma, Advocate for applicant.
Mr. N. Rao, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : JANUARY 8, 2018

1. Heard Mr. A. M. Sharma, Advocate for applicant.
Mr. N. Rao, A.P.P. for non applicant-State.

2. The applicant is apprehending his arrest in connection with Crime No.701/2017 registered with Police Station, Gondia City, Gondia for an offence punishable under Section 376 (2) (n) of the Indian Penal Code.

3. According to the prosecution, the victim, who is aged about 21 years, came in contact with the present applicant and Ankit and has developed intimacy with the applicant. According to the FIR and reply filed by the victim, due to the intimacy in between the present applicant and the victim, the applicant has established sexual relations with her on the ground that he will marry with the victim. However, subsequently, he turned around.

4. The learned A.P.P. submitted that the medical report of the victim shows that there is sexual intercourse with the victim.

5. The victim is aged about 21 years. Not only that, even according to the reply filed on behalf of the prosecution, the victim has developed intimacy with the present applicant and there were sexual relations with the applicant and the victim.

6. In view of above, the application deserves to be allowed. Hence, following order is passed.

ORDER

- (i) Criminal Application No.935/2017 is allowed.
- (ii) In the event of arrest in connection with Crime No.701/2017 registered with Police Station, Gondia City, Gondia for an offence punishable under Section 376 (2) (n) of the Indian Penal Code, the applicant-Yogesh s/o Raju Shahare be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend Police Station, Gondia City on 12.01.2018, 13.01.2018 and 14.01.2018 and shall remain with the investigating officer between 11.00 a.m. to 05.00 p.m.
- (iv) The observations made in this order are prima facie in nature and they are made only for the limited purpose for considering the application for anticipatory bail. The learned trial Court shall not get influenced by any of the aforesaid observations.

The application stands disposed of accordingly.

JUDGE