

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

CRIMINAL APPLICATION (ABA) NO.937/2017

Pradhnyakar s/o Balkrishna Ukey

..vs..

State of Mah., thr. PSO PS Anjuni-Mor, Tahsil Anjuni-Mor, District Gondia

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

Court's or Judge's Order

Shri A.C. Jaltare, Counsel for the applicant.

Shri A.D. Sonak, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 4, 2018.

1. Heard learned counsel Shri A.C. Jaltare for the applicant and learned Additional Public Prosecutor Shri A.D. Sonak for the State.

2. The present application is for grant of anticipatory bail in view of apprehension in the mind of the applicant about his arrest in connection with Crime No.62 of 2017 registered with Police Station Arjunimor, District Gondia for the offences punishable under Sections 376(2)(N), 417, and 506 of the Indian Penal Code.

3. The first information report is lodged by victim herself. In the first information report itself she has stated her age as 24 years and has disclosed that she is taking education in Final Year of Bachelor of Engineering. According to the first

information report, the marriage between the applicant and the victim was settled and engagement ceremony was also held on 4.6.2017. According to the first information report, thereafter, the applicant invited the victim at Nagpur on the pretext that how a girl should stay in the city like Nagpur and, thereafter, has taken disadvantage of the situation and has established physical relation with her. It is the further report of the victim that thereafter the applicant has turned around and is not agreeing for marriage.

4. The application is seriously opposed by learned Additional Public Prosecutor Shri A.D. Sonak for the State. According to learned Additional Public Prosecutor Shri Sonak, if anticipatory bail is granted to the applicant, there is a possibility of tampering with the evidence collected during the course of the investigation. The prosecution also claims the custody of the applicant for collecting blood samples of the applicant, for seizing clothes and for collecting swab and pubic hair.

5. The reply discloses that the medical opinion, as it is available on record, shows that as under:

“It is difficult to give opinion whether sexual intercourse has taken place or not and final opinion is pending till the receipt of FSL Report.”

6. It is also submitted on behalf of the prosecution that the present applicant has given a threat call to elder sister of the victim. Insofar as threat call is concerned, learned Additional Public Prosecutor Shri A.D. Sonak for the State, on the basis of the material available with him, has submitted that the said call was given on 30.11.2017. Though the threat call is given to the elder sister of the victim, as claimed by her, till today, no non-cognizable case or any other offence in that behalf is registered against the present applicant and for that there is no explanation also, therefore, in my view, much importance cannot be attached to the said submission made by learned Additional Public Prosecutor Shri A.D. Sonak for the State.

7. Insofar as the reason for custody is concerned, that can be taken care of by directing the applicant to attend the investigating officer. Further, since the applicant is not resident of any of the cities of Gondia district, there is a little chance that he will influence on going investigation. Consequently, I pass the following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant Pradhnyakar s/o Balkrishna Ukey, be released on bail in the event of his arrest in connection with Crime No.62 of 2017 registered

with Police Station Arjunimor, District Gondia for the offences punishable under Sections 376(2)(N), 417, and 506 of the Indian Penal Code on he executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount.

(iii) The applicant is directed to attend the police station and join the investigation by attending the police station on 8.1.2018, 9.1.2018, 10.1.2018, and 11.1.2018 and shall be with the investigating officer from 11:00 a.m. to 5:00 p.m..

(iv) On his attendance at the police station, the investigating officer shall complete his investigation in respect of applicant. He shall also send the applicant for his medical examination.

(v) The applicant shall not in any way try to contact either the victim or any of her family members or shall not tamper investigation whatsoever in nature.

(vi) If any of the conditions is breached by the applicant, it shall be open for the investigating

officer to approach this Court by filing an appropriate application for cancellation of bail.

(vii) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!