

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

Criminal Application (BA) No. 315 of 2019

(Nomesh @ Nimesh s/o Pandurang Usendi Vs. State of Maharashtra)

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

Court's or Judge's orders

Shri Sumit Kadam, Advocate for the applicant
Shri S. D. Sirpurkar, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATED : 29/04/2019

Heard learned Advocate Kadam holding for learned Advocate Shri R. R. Vyas for the applicant.

2. Perused report lodged by the victim. As per her report she had sexual relations with one boy of her village which was continued for about 1 year and thereafter, there was breakup. She met the present applicant in the month of April, 2018. He came to her village and told her that he would marry with her and did sexual intercourse with her. In the month of July, 2018, she disclosed her mother that her M.C. is stopped from the month of March, 2018. She was examined by Medical Officer/Doctor on 07.09.2018 and it was found that she was carrying pregnancy of 24 weeks.

3. Learned counsel for the applicant has submitted that she might have conceived from boy of her village, namely, Sandip Sinku Hichami and not from the present applicant. Applicant is in jail from 17.10.2018. Investigation is complete. Charge-sheet is filed, therefore, he prayed for grant of bail.

3. Shri Sirpurkar, learned Additional Public Prosecutor for the State has strongly objected the present application.

3. Perusal of report itself shows that she had love affair and also having sexual intercourse with her previous paramour, namely, Sandip Sinku Hichami, resident of her village and sexual intercourse continued from the month of October, 2017 to March, 2018. As per her report, for the first time, she met with the present applicant in the month of April, 2018. Her report further disclosed that she disclosed her mother that her M.C. stopped from the Month of March, 2018. She was examined by Medical Officer on 07.09.2018 and found carrying pregnancy of 24 weeks. Looking to the report, the possibility of conceiving from previous paramour cannot be ruled out. Hence, the following order.

4. Criminal Application is allowed.

5. The applicant be released on bail on his executing a P.R. Bond in the sum of Rs.15,000/- with one solvent surety of like amount on the following conditions.

(a) The applicant shall not tamper with the evidence of prosecution witnesses.

(b) The applicant shall attend the trial Court on each and every date.

JUDGE