

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

Criminal Application (ABA) No. 320 of 2019
(Shubhangi Dongare Vs. State Through P.S. Goregaon Dist. Gondia)
With
Criminal Application (ABA) No. 321 of 2019
(Satish Tandekar Vs. State of Mah. P.S. Goregaon Dist. Gondia)

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

Court's or Judge's orders

Mr. R.K. Tiwari, Advocate for applicants.
Mr. A.J. Modak, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JULY 8, 2019

The applicants in these two applications approached this Court apprehending arrest in connection with FIR dated 21/04/2019, registered against them for the offences punishable under Sections 363, 366-A, 376 R/w 34 of the Indian Penal Code. The allegation in the said FIR is that the applicants gave a soft drink to the complainant and taking advantage of the said situation took her away and applicant Satish allegedly committed acts, which resulted in registration of said offences.

2. The learned counsel for the applicants has pointed out that the complainant was having an affair with applicant Satish and that two had in fact gone away together for getting married. It is pointed out on the basis of material on record that in fact two wanted to get married and because the family of the

complainant was against such relationship, the said report was lodged, leading to registration of FIR. In the present case, the learned counsel invited attention of this Court to the call details record showing that the complainant and applicant Satish had been in contact with each other even prior to the alleged incident dated 08/04/2019. It is also pointed out that the report, leading to registration of FIR was lodged after considerable delay on 21/04/2019. It is pointed out that in the said statement recorded on 13/04/2019, the complainant herself has stated that she and applicant Satish were having love affair since she was in 10th std.

3. Although the learned APP appearing for the State and learned counsel for the complainant to assist the prosecution have opposed grant of relief in the present application, the aforesaid material on record specifically pointed out to this Court by the learned counsel for the applicants demonstrates that the applications deserve to be allowed on the condition that the applicants co-operate with the investigation.

4. Hence, in the event the applicants are arrested in Crime No. 104/2019, they shall be released on bail on furnishing P.R. bond of Rs.25,000/- each and a surety in the like amount. They shall attend Police Station Goregaon Dist. Gondia once a week i.e. on Monday between 10:00 AM and 12:00 Noon, till filing of charge-sheet. They shall co-operate with the

investigation. They shall not tamper with evidence or influence witnesses.

5. Applications are allowed in above terms.

JUDGE

MP Deshpande