

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

Criminal Application (ABA) No. 399 of 2019

Imran Ahmed S/o Ayyaz Ahmed

Vs.

State through P.S. Balapur Dist. Akola

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

Court's or Judge's orders

Mr. S.V. Sirpurkar , Advocate for applicant
 Mr. A.D. Sonak, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 05, 2019

The applicant has approached this Court apprehending arrest in connection with FIR dated 25/05/2019, registered against him and co-accused person for offences under Sections 376(2)(n), 306, 201, 176, 177 R/w 34 of the Indian Penal Code.

2. In the order dated 25/06/2019, while issuing notice and granting ad-interim protection to the applicant the following observations were made by this Court as follows :

“Heard learned counsel for the applicant. This application is filed seeking anticipatory bail in respect of FIR dated 25/05/2019, wherein the offence was said to have been committed on 09/03/2019. According to the complainant, the applicant, a teacher of an institution where the victim was student, allegedly had physical relations with the deceased on the false promise of marriage

due to which she became pregnant. It was alleged that since the applicant refused to marry, she was driven to commit suicide. It was claimed that the deceased was minor who was about 17 years old. On this basis, the said FIR was registered against the applicant for the offences under Sections 376, 306, 176, 177, 201 R/w 34 of the Indian Penal Code. The complainant also alleged that after the victim committed suicide, her father caused destruction of evidence by burying the body. On this basis, even the father of the deceased has been made an accused in this FIR. It is pointed out by the learned counsel for the applicant that there is considerable delay in registering FIR and there is no substance in the allegation made against the applicant. It is pointed out that the complainant had grudge against the education society running the institution, wherein the applicant is employed.

Considering the aforesaid material presently brought on record, a case for grant of ad-interim protection is made out. Hence, in the event, the applicant is arrested in Crime No. 216 of 2019, registered in Balapur Police Station Dist. Akola, he shall be released on bail on furnishing PR bond of Rs.25,000/- with surety of like amount. The applicant shall co-operate with the investigation and he shall attend the Police Station Balapur Dist. Akola once in a week i.e. every Sunday between 10.00 a.m. to 5.00 p.m. The applicant shall not tamper with the evidence or influence the witnesses.”

3. The learned counsel for the applicant further informs this Court that upon body of the victim being exhumed and post-mortem being conducted, it has come into light that in fact there was no pregnancy observed in the body of the victim.

4. Considering these facts, as also the fact that the applicant has been attending the Police Station as directed by this Court, the present application deserves to be granted.

5. Accordingly, the instant application is allowed and the applicant is granted anticipatory bail by confirming ad-interim protection granted by this Court by order dated 25/06/2019. The applicant shall continue to cooperate with the investigation and he shall attend Police Station as directed till filing of chargesheet.

JUDGE