

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

Criminal Application (ABA) No. 412 of 2019

Swapnil Pramod Hagawane

Vs.

State of Maharashtra Through P.S. Tiwsa Dist. Amravati

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

Court's or Judge's orders

Mr. N.V. Fulzele, Advocate for applicant
Mr. N.R. Rode, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 05, 2019

The applicant herein has approached this Court apprehending arrest in connection with FIR dated 23/04/2019, whereby offences under Sections 376 and 313 of the Indian Penal Code have been registered against the applicant. The nature of the allegations were taken note of by this Court in order dated 01/07/2019, while issuing notice and granting ad-interim protection. The relevant observations of the said order read as follows :

“4. In the present case, the applicant is apprehending arrest in respect of FIR dated 23/04/2019 registered against him for the offences punishable under sections 376 and 313 of the IPC. The FIR shows that the occurrence of offence started from 16/11/2017 to 17/11/2019. It is pointed out by the learned counsel appearing for the

applicant that perusing the oral report leading to the registration of the FIR shows that the present case is a case of consensual sex between the parties, as they were in love with each other. It is pointed out by the learned counsel appearing for the applicant that in the oral report, it is stated that the complainant was suffering from sickle cell anemia and for that reason also pregnancy that arose out of the relationship had to be terminated.

5. It appears from the material placed on record that the applicant and the complainant were in long standing relationship and that the present complaint was filed after dispute arose between the two.

6. In view of the above, a case for grant of of ad interim anticipatory bail is made out.

7. Hence, in the event the applicant is arrested in Crime No.118 of 2019, registered at Police Station Tiwsa, District Amravati (Rural), he shall be released on furnishing PR bond of Rs.15,000/- and a surety in the like amount. The applicant shall cooperate with the investigation and make himself available to the Investigating Officer as and when required. The applicant shall not tamper with the evidence or influence the witnesses.”

2. The non-applicant State has placed on record reply opposing grant of anticipatory bail to the applicant. The contents of the reply indicate that now investigation is almost over and that in pursuance of ad-interim protection granted by this Court the applicant has indeed attended the Police Station and he has co-operated with the investigation

3. Considering the aforesaid facts, the present application is allowed and the applicant is granted anticipatory bail by confirming ad-interim protection granted by this Court by order dated 01/07/2019.

4. Needless to say, the applicant shall continue to co-operate with the investigation and he shall not tamper with the evidence or influence the witnesses.

JUDGE