

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

CRIMINAL APPLICATION (ABA) NO.514/2019

Nishikant @ Raju s/o Pandurang Pandit

..VS..

State of Mah., thr. PSO Civil Lines, Akola, Taluka and District Akola

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

Court's or Judge's Order

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Shri V.R.Deshpande, Counsel for the Applicant.
Shri S.K.Wankhede, Counsel to Assist the Prosecution.
Shri M.J.Khan, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : SEPTEMBER 04, 2019.

1. The applicant is apprehending his arrest in connection with Crime No.316/2019 registered with Civil Lines Police Station, District Akola for offences under Sections 376(2)(n), 377, and 506 of the Indian Penal Code.

2. Heard learned counsel Shri V.R.Deshpande for the applicant, learned Additional Public Prosecutor Shri M.J.Khan for the State, and learned counsel Shri S.K.Wankhede who assisted the prosecution.

3. First Information Report is lodged by victim herself on 3.7.2019. As per the report, victim is a married woman having a married daughter and a son. The First Information Report shows that present applicant is friend of husband of victim. Victim's married daughter also stays with complainant since her husband is no more. As per the report,

initial acquaintances resulted into love affair between her and the present applicant. As per the First Information Report, in month of June 2007, the applicant had sexual intercourse at "Vijayshree Guest House at Shegaon". Thereafter, in agricultural field of the applicant, they have sexual intercourse which the first informant described in her report as "अत्याचार". It is also stated that in year 2008 also the applicant was having sexual relation with her. The said continued till 2012. In year 2012, she was admitted in a hospital. Thereafter, in year 2013 at various places the applicant continued to have sexual intercourse with the first informant.

4. According to the prosecution, investigating agency already conducted panchnamas of spot shown by victim herself.

5. The complainant was also medically examined and no injury was found on the private part of the complainant nor it is expected since she being a married woman and already delivered two children.

6. Reply also shows that statement of witnesses are already recorded by Investigating Officer.

7. This Court (Coram : Manish Pitale, J.), on 29.7.2019 granted *ad interim* protection in favour of the present applicant with condition that the applicant shall cooperate with Investigating Officer.

8. In reply, nothing is placed on record that though the applicant was called, he did not cooperate with

Investigating Officer.

9. Custodial presence of applicant is claimed for conducting his medial examination and for taking out his medical samples.

10. Looking to nature of the accusations made in the First Information Report, I am of the view that the applicant is entitled for pre-arrest bail. However, at the same time, the applicant can be put some certain conditions and interest of the prosecution can also be secured. Hence, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) In the event of arrest of applicant-Nishikant @ Raju s/o Pandurang Pandit, in connection with Crime No.316/2019 registered with Civil Liens Police Station, District Akola for offences under Sections 376(2)(n), 377, and 506 of the Indian Penal Code, the applicant be released on bail on he executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall attend the police station from 9.9.2019 to 15.9.2019 and shall be with Investigating Officer from 11:00 a.m. to 5:00 p.m..

(iv) During the said period, it shall be open for Investigating Officer to send the applicant for collecting his medical samples and medical tests.

.....4/-

(v) The applicant is also directed to attend the police thereafter as and when he is called by Investigating Officer, till filing of chargesheet, however for that Investigating Officer shall give him a 3-day written communication.

(vi) The applicant shall not cause any prejudice to prosecution case.

(vii) With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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