

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

CRIMINAL APPLICATION (ABA) NO. 652 OF 2019

Tanuj s/o Gopichand Nahokar .Vs. State of Maharashtra,through P.S.O, P.S.
Palandur, Dist. Bhandara.

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

Court's or Judge's orders.

Mr. Atharva S. Manohar, Advocate for applicant.
Mr. N.R.Rode, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.

DATED : OCTOBER 22, 2019

Heard Mr. Atharv Manohar, learned counsel for the applicant and Mr. N. R. Rode, learned Additional Public Prosecutor for the State.

The applicant is apprehending his arrest in connection with Crime No.74/2019 registered with Police Station, Palandur, Tq. and Dist. Bhandara for an offence punishable under Sections 376(2)(L), 376(2)(N), 452 and 506 of the Indian Penal Code.

The first information report is lodged by the victim herself. It is dated 28.08.2019. From the report it is clear that the victim has lodged the report against the applicant only after she was found to be pregnant. According to the report, in the month of June-2019 firstly the applicant committed sexual intercourse with her and lastly in the month of July-2019.

Mr. Manohar, learned counsel for the applicant invited my attention to Annexure-H at record page-37. It is the first information report lodged by the victim herself on 28.08.2019 itself against one Indrapal Tekam and on the basis of the said report, an offence is registered against said Indrapal Tekam vide Crime No.73/2019 for an offence punishable under Sections 376(2)(L)(N), 506 and 452 of the Indian Penal Code. Perusal of the report in question and report lodged by victim against Indrapal Tekam shows that the allegations are identical, except in the report lodged against Indrapal there are no allegations insofar as sexual intercourse took place in the month of July-2019. Even in the report lodged against Indrapal Tekam it is alleged that due to the acts of Indrapal Tekam, she has remained pregnant.

Mr. Manohar, learned counsel for the applicant submits that Indrapal Tekam is released on bail by the learned Sessions Court.

Looking to the aforesaid aspects, this Court on 26.09.2019 granted ad-interim protection in favour of the applicant with a direction that the applicant shall attend Police Station, Palandur on 30.09.2019 and from 05.10.2019 to 14.10.2019 and shall be with the investigating officer from 11:00 a.m. to 05:00 p.m. It was also directed that the investigating officer should take necessary steps for obtaining medical samples of the applicant for DNA test.

Mr. Rode, learned Additional Public Prosecutor states that accordingly the applicant did attend the police

station, the blood samples for DNA Profiling are collected and sent to the Forensic Science Laboratory, however, the report is awaited.

In that view of the matter I pass following order :

ORDER

- (i) The criminal application is allowed.
- (ii) In the event of arrest in connection with Crime No.74/2019 registered with Police Station, Palandur, Tq. and Dist. Bhandara for an offence punishable under Sections 376(2)(L), 376(2)(N), 452 and 506 of the Indian Penal Code, applicant – Tanuj s/o Gopichand Nahokar, be released on bail on he executing P.R. Bond in the sum of Rs.25,00/- with one solvent surety in the like amount.
- (iii) The applicant is directed to attend Police Station, Palandur, Dist. Bhandara once in a week i.e. on Saturday till filing of the charge-sheet and after filing of the charge-sheet, the applicant shall attend the police station once in a month i.e. on last Sunday of each month.
- (iv) The applicant shall attend all the Court dates scrupulously.
- (v) The applicant is directed not to pressurize the victim in any manner.

With this, the criminal application is allowed and disposed of.

JUDGE