

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

CRIMINAL APPLICATION (ABA) NO. 765 OF 2019

Aniket Ravindra Gujarkar .Vs. State of Maharashtra,through P.S.O, P.S.
Warora, Tq. Warora, Dist. Chandrapur.

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. N.R. Rode, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 27, 2019

Heard Mr. Sirpurkar, learned counsel for applicant and Mr.Rode, learned Additional Public Prosecutor for non applicant-State. Also perused the reply filed on behalf of the prosecution.

By this application the applicant is praying for pre-arrest bail since he is apprehending his arrest in connection with Crime No.1233/2019 registered with Police Station,Warora, District Chandrapur for an offence punishable under Section 376(2)(n) of the Indian Penal Code.

Report dated 09.10.2019 is lodged by victim herself. In the report itself victim disclosed her age as 18 years and 7 months and she is studying in one college at Warora in 11th Standard. As per report, she got acquainted with applicant through Facebook. Both belongs to same caste. According to report, after six months of their friendship the applicant gave proposal for marriage. On

24.04.2019, the victim was taken by the applicant at his house. There was nobody in his house and that time sexual relation occurred in between them. It is also stated in the first information report that within a span of two to three days on two occasions when there was nobody in his house there was sexual intercourse in between them on the pretext of marriage. It is stated in the report that since last one month of lodging of the report the applicant is avoiding her and thereafter she came and lodged the report.

The age of the applicant is also 18 years and 9 months and is also student. This fact is not denied by the prosecution in the reply. The victim is not a “Child” within the meaning of Protection of Children from Sexual Offences Act. *Prima facie* possibility of consensual sex is not completely ruled out.

On 11.11.2019, the applicant was protected by this Court by interim order on a condition that he shall attend the police station from 13.11.2019 to 22.11.2019. Accordingly, the applicant has attended the police station and was with the investigating officer from 11:00 a.m. to 05:00 p.m. during that period. Consequently, I pass following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.1233/2019 registered with Police Station, Warora, District Chandrapur for the offence punishable under Section 376(2)(n) of the Indian Penal Code, applicant- Aniket

Ravindra Gujarkar be released on bail on he executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.

(iii) Applicant is directed to attend Police Station, Warora, District Chandrapur as and when called by the investigating officer. However, for that the investigating officer shall give clear cut two days prior written communication to the applicant.

The application is disposed of.

JUDGE

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