

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

CRIMINAL APPLICATION (BA) NO.46/2020

Ashish Sanjay Zade .vs. State of Maharashtra through PSO P.S. Bhadravati,
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. A. P. Thakare, Advocate for applicant.

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

CORAM : V. M. DESHPANDE, J.

DATED : FEBRUARY 3, 2020

Heard Mr.Thakare, learned counsel for applicant
and Mr. Rode, learned A.P.P. for non applicant-State. Also
perused the reply.

Applicant is arrested on 26.11.2019 in connection
with Crime No.684/2019, registered with Police Station,
Bhadravati, District Chandrapur for an offence punishable
under Sections 376 (2) (n) and 506 of the Indian Penal
Code.

Primarily, learned A.P.P. opposed the application
on the ground that investigation is in progress and charge-
sheet is not filed. However, he fairly makes a statement that
investigation is almost over and only formality of filing of t
charge-sheet is remained to be done. It is in an undisputed
fact before this Court that complainant/victim is real sister of
the applicant. The victim was married with one Satyavan on
24.06.2016. However, they filed a joint petition for divorce

i.e. Hindu Marriage Petition No.231/2017 and learned 2nd Joint civil Judge Senior Division, Chandrapur, by judgment and decree dated 12.03.2018 granted decree of divorce.

According to the applicant, his sister was in love with one Sachin and the said was opposed by him and, therefore, he is falsely implicated in the crime.

First Information Report alleges that from 2017 till 2019, the applicant was committing sexual intercourse with the victim. The last such act was done on 23.11.2019. However, the FIR was lodged on 26.11.2019 without giving any plausible explanation for the delay.

Learned counsel for applicant invited my attention to Annexure-J, page 36, which is a communication given by father of the victim as well as present applicant to Police Station Officer, Bhadravati intimating therein that the victim has left the house and is staying with one Sachin.

Looking to the entire prosecution case, in my view, since applicant, who is not having any criminal past record, need not to continue his jail presence. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Ashish Sanjay Zade be released on bail in connection with Crime No.684/2019, registered with Police Station, Bhadravati, District Chandrapur for an offence punishable under Sections 376 (2) (n) and 506 of the Indian Penal Code, on he executing P.R. Bond in the sum of ₹ 15,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend Police Station, Bhadravati, twice a week i.e. on every Thursday and Sunday and shall be with the investigating officer from 11.00 a.m. to 02.00 p.m. till filing of the charge-sheet. After filing of the charge-sheet, applicant shall attend Police Station, Bhadravati once in a month i.e. on last Sunday of every month, till culmination of the trial.

The application is disposed of.

JUDGE

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