

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

CRIMINAL APPLICATION (ABA) NO. 45 OF 2020

Swapnadeep Prakash Pawar .Vs. State of Maharashtra, through PSO, PS,
Malkapur (City), Tq. Malkapur, Dist. Buldhana

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

Court's or Judge's orders.

Mr. Y.B. Mandape, Advocate for applicant.
Mr. N.R. Rode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : FEBRUARY 11, 2020.

Heard Mr. Y.B. Mandape, learned counsel for the applicant and Mr. N.R. Rode, learned Additional Public Prosecutor for non applicant-State. Also perused the reply filed on behalf of the prosecuting agency.

The applicant who is an Army personnel and is serving in Indian Army, is apprehending his arrest in connection with Crime No.553/2019 registered with Police Station, Malkapur (City), Tq. Malkapur, Dist. Buldhana for an offence punishable under Sections 376(2)(n) and 506 of the Indian Penal Code.

The First Information Report (FIR) is lodged by victim herself. The report shows that her age is 25 years. According to the FIR, when the victim was returning from Mumbai, in train journey she got acquainted with the present applicant. During the train journey they exchanged their cellphone numbers and used to have chat with each other. According to the

FIR, for about 5 to 6 months they were chatting with each other and in October, 2017 when applicant came on leave, at that time he proposed victim for marriage with him. The victim extended consent for going to a lodge at Malkapur where applicant committed sexual intercourse with her.

During the trial it will have to be proved by the prosecution that the applicant gave promise of marriage and thereafter the victim went to the lodge.

The applicant is serving in Indian Army and therefore he will be available to the course of justice. On 23.01.2020, this Court granted interim protection in favour of the applicant on a condition that he shall attend the police station from 25.01.2020 to 07.02.2020. Accordingly, he did attend the police station is the statement made by the learned Additional Public Prosecutor on the instructions given by the investigating officer.

In that view of the matter, I pass the following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.553/2019 registered with Police Station, Malkapur (City), Tq. Malkapur, Dist. Buldhana for an offence punishable under Sections 376(2)(n) and 506 of the Indian Penal Code, applicant – Swapnadeep Prakash Pawar be released on bail on he executing P.R. bond in

the sum of ₹25,000/- with one solvent surety in the like amount.

(iii) The applicant is directed to attend Police Station, Malkapur (City), Tq. Malkapur, Dist. Buldhana from 14.02.2020 to 20.02.2020 and shall be with the investigating officer from 11:00 a.m. to 05:00 p.m. During this period the investigating officer shall obtain medical samples of the applicant.

The application is disposed of.

JUDGE

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