

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

CRIMINAL APPLICATION (BA) NO.92 OF 2020

(Sandip s/o Shamrao Watmare Vs. The State of Maharashtra thr. PSO PS Khadan,
Dist. Akola)

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

Court's or Judge's orders.

Shri S.G. Joshi, Advocate for Applicant.
Shri M.J. Khan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 25th FEBRUARY, 2020.

The applicant is charge-sheeted for offence punishable under sections 376, 376(2)(n), 323, 504 and 506 of the Indian Penal Code.

2] The crime is registered pursuant to report dated 19.12.2019 lodged by the prosecutrix.

3] The accusation in the report is that the prosecutrix and the accused became acquainted in June, 2016. The prosecutrix alleges that on 30.10.2017, on the pretext of celebrating birthday, the accused offered soft drink laced with intoxicant. The prosecutrix was semi conscious and this situation was taken advantage of by the accused. The prosecutrix alleges that she was raped since she was not in a position to resist. When the prosecutrix came to senses, she confronted the accused who professed love for her and promised marriage. The next incident which is referred to in the report is visit to Shegaon on 23.08.2019. The report states that the accused took the

prosecutrix to Shegaon on the pretext of visiting the religious place and instead took her to a lodge and subjected her to sexual intercourse. The next accusation is that on the way back the accused stopped the car and again subjected the prosecutrix to forcible sexual intercourse. The FIR concludes by alleging that the accused refused to marry the prosecutrix and instead threatened to make public her nude photographs and video clips.

4] I have perused the material available in the charge-sheet. My attention is invited to statement of Ruchika Bawaskar, who along with her friend Kiran accompanied the prosecutrix and the accused to Chikhaldara. The said witness states that while returning from Chikhaldara the group went to Shegaon and stayed at a guest house. This version creates doubt on the allegation in the report.

5] In any event, the possibility that the report stems from relationship which went sour cannot be ruled out.

6] I do not see any reason why the applicant should languish in custody.

7] The application is allowed.

8] The applicant shall be released on furnishing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand) with a surety of like amount.

JUDGE