

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

CRIMINAL APPLICATION (ABA) 76 OF 2020

(Vinod s/o Laxmanrao Bhadikar..vs.. State of Maharashtra, through PSO, Pandharkawada, Taluka Kelapur, Dist. Yavatmal)

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

Court's or Judge's orders.

Shri S.P. Bhandarkar, counsel for applicant.
Shri M.J. Khan, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.

DATE : 20.02.2020

The applicant is apprehending arrest in crime 46/2020 registered with Pandharkawda Police Station for the offences punishable under Sections 354, 452, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. The genesis of the First Information Report lies in an incident, which according to the first informant, occurred on 10.01.2020.

3. The informant resides at village Chondi with her parents-in-law, husband and daughter. The informant is a housewife and while her parents-in-law and husband attend to agricultural work, she takes care of the child. The version of the informant is that her husband left for work at 6.00 a.m. and her mother-in-law left home at 11.00 a.m.. The father-in-law of the complainant left for the agricultural

field at 1.00 p.m. However, the father-in-law returned with the accused who is a teacher in the Zilla Parishad School. The informant states that the accused was ostensibly conducting a survey, and the necessary and relevant information was provided by the informant's father-in-law. The accused asked for cell number of the informant's husband and left with the informant's father-in-law. However, at 3.00 p.m the accused returned when the complainant was sitting on the stairs of the house. The accused barged in the house. The complainant followed the accused and confronted him. The response of the accused was to catch the hands of the informant and make sexual overtures. The accused asked the informant to close the door and the widows and personally closed the front door. The informant made a vain attempt to raise hue and cry. Ultimately, the informant succeeded in freeing herself from the clutches of the accused. The informant told the accused that she would be calling her husband. The accused then left. The informant narrated the incident to her husband in the evening. The father-in-law of the informant also arrived at home and was conveyed the incident. The father-in-law took the informant near the village hand-pump to confront the accused and they were followed by the husband of the

informant. An altercation ensued in which the accused, his younger brother and one Satish threatened and physically assaulted the informant's husband.

4. The applicant/accused has a counter narrative to tell. The counter narrative is that of 10.01.2020 at 4.45 p.m. the husband of the informant barged in the class-room, when the accused was teaching. The husband of the informant was under influence of liquor and he assaulted the applicant/accused. The husband of the informant also abused the applicant/accused on caste lines. The version of the applicant/accused is that the abuses and the assault were repeated in the evening. The husband of the informant along with some others including 3 women physically assaulted the accused with footwear. The applicant/ accused alleges that in the said incident again abuses in the name of the caste were hurled.

5. I am satisfied, that the counter narrative of the applicant/accused is a figment of fertile imagination. The First Information Report in which serious allegations are made was lodged with reasonable promptitude. The incident occurred on 10.01.2020. The husband and the father-in-law of the informant returned in the evening. The First Information Report was lodged at midnight. In

juxtaposition, the applicant /accused has lodged the complaint as regards the counter narrative 17 days after the incident i.e. on 27.01.2020. I have perused the case diary and the statements of witnesses including the statement of the neighbor. Least, the accused is prejudiced at latter stage, I would refrain from making any further observation on the material which is discernible from the case diary. Suffice it to state, that there is ample material on record which implicates the applicant /accused in the crime.

6. The applicant is a school teacher and is expected to set high standards of moral behaviour. The seriousness and gravity of the offence is not necessarily dependent on the quantum of punishment. The impact of the Act is an extremely relevant consideration. Viewed from this perspective, I am not inclined to exercise discretion in favour of the applicant/accused.

7. Criminal application is rejected.

JUDGE