

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

CRIMINAL APPLICATION (ABA) 84/2020

Manoj Parashram Chavhan **Versus** State of Maharashtra, through PSO., PS Mangrulpir,
Dist. Washim.

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

Court's or Judge's orders.

Shri Amit V. Band, counsel for the applicant.
Shri P.S. Tembhare, AGP for the non-applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 21.02.2020

The applicant is apprehending arrest in connection with crime 25/2020 registered at Mangrulpir Police Station for the offence punishable under Section 376 (2) (n) of the Indian Penal Code.

2. The version of the prosecutrix, who was working as a labour in the farm owned by the accused, is that since 09.11.2019 to 10.01.2020 she was sexually exploited. The prosecutrix alleges forcible sexual intercourse.

3. The first information report is lodged on 10.01.2020. Perusal of the case diary would reveal, that the husband of the prosecutrix has stated that after the prosecutrix disclosed the incident, he dropped her at her

parental house. The husband has stated that 3 days prior to the lodging of the report the prosecutrix expressed desire to approach the police. According to the prosecutrix, she was subjected to forcible sexual intercourse 10 to 15 times. There is no attempt to explain why and under which circumstances did the prosecutrix lodge the report. The possibility that the sexual relationship, if any, is consensual, cannot be ruled out.

4. The applicant has attended the police station and cooperated with the investigation officer.

5. I am satisfied that case for exercise of discretion is made out.

6. The interim order dated 07.02.2020 is made absolute with the modification that the applicant shall attend the Police Station, Mangrulpir as and when directed by the investigation officer and he shall not attempt to influence the witnesses in any manner.

JUDGE