

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

CRIMINAL APPLICATION (BA) NO.122 OF 2020

(Akshay s/o Ramesh Gawande Vs. The State of Maharashtra thr. PSO PS Khadan, Tq.
& 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 A.S. Londhe, Advocate for Applicant.
Shri M.J. Khan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 28th FEBRUARY, 2020.

The applicant is facing prosecution for offences punishable under section 376, 376(2)(n), 504, 506 of the Indian Penal Code vide Crime 22/2020 registered with Police Station Khadan, Akola.

2] The applicant is in custody since 07.01.2020.

3] According to the prosecutrix, the applicant established sexual relationship in June 2017 or thereabout. The applicant offered cold drink laced with intoxicant and took advantage of the subconscious condition of the prosecutrix. According to the prosecutrix, she was raped and when confronted the applicant professed his love for her and promised marriage. The prosecutrix alleges that since June 2017 till September 2019 or thereabout the applicant established sexual relationship with her on

multiple occasions, all the while promising marriage. It was on 29.09.2019 that the applicant not only refused to marry, but claimed that the applicant did not know the prosecutrix. In the same breath, it is further alleged in the First Information Report that the applicant returned from Pune on 07.10.2019 and the prosecutrix went to his house to meet him. The prosecutrix was threatened and driven out. Again, the prosecutrix called the applicant on 07.01.2020 and inquired about marriage and was abused. These are the basic facts which are alleged in the First Information Report. The investigation is nearly complete. Considering the nature of the accusations, the probability that the FIR stems from a relationship which went sour cannot be ruled out.

4] The application is allowed.

5] The applicant shall be released on furnishing personal bond of Rs.15,000/- with a surety of like amount.

JUDGE