

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

CRIMINAL APPLICATION (ABA) 152 OF 2020

(Ankit s/o. Vijay Thaware..vs.. State, thr PSO, Mauda, Dist. Nagpur)

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

Court's or Judge's orders.

Shri Y.B. Mandpe, counsel for applicant.
Shri Bhagwan Lonare, APP for non-applicant.

CORAM: ROHIT B. DEO, J.
DATE:05.10.2020.

At the very outset, it must be recorded that due to the mistake committed by the stenographer, the order passed in Criminal Application 311/2020 was typed and the signature of the Judge was obtained and as such a wrong order came to be uploaded. The wrong order which was uploaded is that none appears on behalf of the applicant and therefore stand over two weeks. It appears that the mistake committed by the stenographer was noticed when the learned counsel for the applicant pointed out that as a matter of fact, this Court, after hearing the learned counsel, had allowed the application. The wrong order uploaded was therefore deleted and the instant order shall be uploaded.

2. Heard.

3. Vide order dated 6.3.2020, this Court protected the applicant subject to certain conditions. It is not the case of the prosecution that the conditions are not complied with.

4. The applicant is facing prosecution for the offence punishable under sections 306, 354-A, D of Indian Penal Code and section 12 of the Protection of Children from Sexual Offences Act, vide Crime 82/2020, registered with Police Station Mouda, Dist. Nagpur. In essence, the case of the prosecution is that the deceased, who was minor, and the applicant, were in a relationship. The deceased consumed poison in the night intervening 26th and 27th January 2020 and expired on 1.2.2020, while being treated at the Government Medical College, Nagpur. It is alleged that it was the applicant, who contacted the mother of the deceased and informed that the deceased had consumed poison.

5. The allegation is that the applicant refused to marry the deceased which forced her to take the extreme step.

6. Considering the allegations, it is obvious that custodial interrogation is not necessary. The applicant is aged 21 years and is a student. If the applicant is granted pre-arrest bail, there is no likelihood that the investigation shall be adversely affected. The interim order dated 6.3.2020 is made absolute with the only modification that the applicant shall attend the concerned police station as and when required by the Investigating Officer.

Judge