

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

CRIMINAL APPLICATION (ABA) NO.156 OF 2020

(Sachin Deorao Khamankar Vs. The State of Maharashtra thr. PSO PS Warora, Dist.
Chandrapur)

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

Court's or Judge's orders.

Mr. M.N. Ali, Advocate for Applicant.
Mr. N.B. Jawade, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.
DATE: 26th OCTOBER, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] Heard.

3] The applicant is apprehending arrest in Crime 210/2020 registered with Police Station Warora, District Chandrapur for offence punishable under section 376 of the Indian Penal Code.

4] The complainant lodged report dated 26.02.2020, the gist of which is that the applicant established sexual relationship from 29.09.2019, promising marriage. The complainant alleges that the applicant did not fulfill the promise and rather decided to marry a girl from

Bhdrawati. When the complainant confronted the applicant, he gave evasive answers.

5] It is also alleged in the report, that on some occasions sexual relationship was established forcibly. However, a holistic reading of the report would suggest that the grievance is false promise to marry.

6] The applicant is a mature woman aged 25 years. While the allegations would be looked into during the course of the trial, at this stage, the possibility that the report is a fall out of a consensual relationship having gone sour, cannot be ruled out.

7] I have perused the reasons recorded by the learned Sessions Judge for denying pre-arrest protection. The medical examination of the applicant can be conducted even without taking him in custody. Considering the period which has passed, it is difficult to comprehend as to why the learned Sessions Judge referred to seizure of the clothes etc. Be that as it may, the applicant has attended the police station in compliance with the conditions of interim protection and it is not the case of the prosecution that the applicant has misused the liberty.

8] Mr. Jawade points out that the applicant is a police man and may influence or pressurize the complainant. This apprehension will have to be addressed

by imposing suitable conditions.

9] Considering the nature of the accusations, the interim protection granted vide order dated 9th March, 2020 is made absolute with the modification that the applicant shall attend the concerned police station as and when required and further that the applicant shall not make any attempt to influence or pressurize the witnesses.

JUDGE

NSN