

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

CRIMINAL APPLICATION (BA) NO. 485 OF 2020

(Prashik Bhagwan Wankhade ..vs.. State of Maharashtra, through PSO Nandgaon Khandeshwar)

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

Court's or Judge's orders

Shri Pankaj Navlani, Counsel for the applicant,
Shri C.A. Lokhande, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 09-09-2020

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

2. The applicant is seeking bail in connection with Crime 139/2020 registered with Nandgaon Khandeshwar Police Station for offence punishable under Section 376(2)(n) of the Indian Penal Code.

3. Perusal of the first information report reveals that according to the prosecutrix, who is a major, the accused promised marriage and established sexual relationship.

4. Although the charge-sheet is not filed as yet, the investigation appears to be nearly complete.

5. The police have already collected and seized the blood sample of the accused for the DNA test. The

sample is taken presumably as the prosecutrix is pregnant.

6. Be that as it may, there is no reason why the applicant should languish in jail custody.

7. It is pointed out by the learned Additional Public Prosecutor Shri C.A. Lokhande that certain offences are registered against the applicant accusing him of theft of mobile sets. The submission is that the applicant has a propensity to indulge in criminal activity and may influence or pressurise the witness/s. This apprehension can be addressed by directing the applicant not to enter the territorial limits of village Nandgaon Khandeshwar till the conclusion of the trial.

8. The application is allowed.

9. The applicant shall be released on bail on executing personal bond of Rs.25,000/- with a solvent surety of like amount.

10. Considering the prevailing circumstances, the surety shall be furnished within four weeks of the release.

11. The applicant shall not enter the territorial limits of village Nandgaon Khandeshwar unless permitted to do

so by the trial Court.

12. The applicant shall not make any attempt to tamper with the evidence or to influence witnesses.

JUDGE

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