

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

Criminal Application (ABA) of 2020 (LD-VC No. 331 of 2020)

[Santosh S/o Ratan Walukar Vs. State of Maharashtra, through P.S.O., P.S., Janefal, Tah. Mehkar, Dist. Buldhana]

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. V. Deshmukh, Advocate for the applicant
Shri A. R. Chutke, APP for the State

CORAM : M. G. GIRATKAR, J.

DATE : 29/06/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri Deshmukh for the applicant.

3. Perused the report lodged by the complainant dated 20-5-2020. From the report it appears that she has seen her husband in a compromise position with the wife of present applicant. She has alleged in the report that on 20-8-2019, the present applicant did forcible sexual intercourse with her. The report came to be lodged after nine months of incident. It appears from the report lodged by father of the applicant against the complainant that the complainant came to his house and taken out some golden ornaments etc. Husband of the complainant issued notice to the complainant to join matrimonial home. It appears that after lodging the report by father of

the applicant, husband of complainant issued notice. As per the report, incident took place on 20-8-2019 and report lodged on 20-5-2020. As per the report, she left the matrimonial home in the month of February, 2020 but not explained as to why report was not lodged immediately thereafter.

4. Learned Additional Public Prosecutor has strongly opposed the application.

5. It appears that there is a family dispute between the complainant and her husband. Charge-sheet is not filed. Looking to the allegations in the report, anticipatory bail is granted to the applicant.

6. In the event of arrest of applicant Santosh S/o Ratan Walukar in Crime No. 167/2020 registered with Police Station, Janefal, Tah. Mehkar, District Buldhana, he be released on his executing a PR. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of like amount on following conditions.

(i) The applicant shall attend Police Station, Janefal, Tah. Mehkar, District Buldhana once in a week i.e. on every Sunday in between 10.00 a.m. to 5.00 p.m. and shall co-operate the Investigating Agency.

(ii) The applicant shall not pressurize the prosecution witnesses.

7. The application is disposed of.

8. This order be communicated to the Counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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