

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

CRIMINAL APPLICATION (BA) NO. 1190 OF 2020

(Naresh Chaitram Chauksey vs. State of Maharashtra thr. PSO, Old Kampthee, Nagpur)

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

Court's or Judge's orders.

Shri M.N. Ali, Advocate for the applicant.
Shri S.A. Ashirgade, APP for the non-applicant –
State.

.....

CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 16, 2020.

Heard Shri Ali, learned counsel for the
applicant and Shri Ashirgade, learned APP for the
non-applicant – State.

2. The applicant – Naresh Chaitram Chauksey, is seeking bail in Crime No. 424 of 2020 dated 25.10.2020 for the offence punishable under Sections 376, 354 and 506 of the Indian Penal Code, registered by Old Kampthee Police Station, Nagpur.

3. Perused the application and affidavit-in-reply filed on behalf of the non-applicant – State.

4. At the outset, on a perusal of the First Information Report, it appears that the present case is

of consensual sexual relationship between two adults. The delay of around 17 days in lodging FIR speaks itself. It is stated that the alleged report was lodged only when her husband reached house, after released from jail. However, it is stated that her husband released on 07.10.2020 and the FIR was lodged on 20.10.2020.

5. The affidavit-in-reply shows that the investigation is completed and the charge sheet would be filed very soon.

6. Considering the age of the prosecutrix and the relationship, as stated in the FIR, this Court is inclined to grant bail.

7. In the circumstances, Criminal application is allowed on the following conditions :

(i) The applicant – Naresh Chaitram Chauksey, shall be released on bail on executing Personal Bond of Rs. 25,000/- (Rs. Twenty five thousand only) with one surety in the like amount.

(ii) The applicant shall not issue threats or tamper the prosecution witnesses.

(iii) The applicant shall attend Police Station once in a month on every first Thursday of the month.

8. Needless to mention that the observations made in this application are strictly for deciding the present application of the applicant and the trial Court shall not get influenced by the same and shall be free to decide the matter on its merits.

JUDGE

*GS.