

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

CRIMINAL APPLICATION (APL) NO. 801/2020

(Mr. Ramesh S/o Madhukar Kakde Vs. State of Maharashtra through P.S.O. Police Station, Saoner,
Nagpur and another.)

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

Court's or Judge's orders

Shri Vivek Bharadwaj, Advocate for applicant.
Shri N.S. Rao, A.P.P. for non-applicant/State.
Shri Mahesh Dev, Advocate for non-applicant no.2.

CORAM : V.M.DESHPANDE & ANIL S. KILOR, JJ.
DATED : DECEMBER 14, 2020.

Heard Shri Vivek Bhardwaj, learned counsel for the applicant and Shri Mahesh Deo, who appears suo-motu on behalf of non-applicant no.2. Mr. Rao, learned Additional Public Prosecutor for the State. Also perused the First Information Report and the order passed by this Court dated 05/10/2020 (Coram: Shri Rohit B. Deo, J.) rejecting the application for pre-arrest bail filed on behalf of the applicant.

Now, the applicant is coming before this Court with a prayer that after rejection of the application for pre-arrest bail, the applicant has married with the non-applicant no.2 and therefore, the First Information Report be quashed.

The non-applicant no.2 was minor when the offence of rape was committed on her. Therefore, the provisions of Protection of Children from Sexual Offences Act, 2012 were also applied. Once the application of the

applicant for pre-arrest bail was rejected by this Court, it was open for the applicant either to challenge the same before the Hon'ble Apex Court or surrender before the investigating officer instead of that it appears that he has invented a method to circumference the law by stating that he has married with the non-applicant no.2.

We are of the opinion that this is not a case wherein the Court should exercise the inherent powers under Section 482 of the Code of Criminal Procedure in this case. The criminal application is, therefore, rejected.

JUDGE

JUDGE

R.S. Sahare