

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

CRIMINAL APPLICATION (ABA) NO.756 OF 2020

(Navneet Manohar Jadhav Vs. The State of Maharashtra thr. PSO PS Nandura, Dist.
Buldhana)

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

Court's or Judge's orders.

Mr. A.R. Fule, Advocate for Applicant.
Mr. N.R. Rode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 21st DECEMBER, 2020.

Heard.

2. The applicant is apprehending arrest in Crime 605/2020 registered with Police Station Nandura, District Buldhana for offence punishable under sections 498-A, 377, 323 and 504 of the Indian Penal Code and section 3 and 4 of the Dowry Prohibition Act.

3. Vide order dated 14.12.2020 the applicant was protected and was directed to attend the police station. The applicant has attended the police station states the learned APP Mr. Rode.

4. The most serious allegation is that the applicant forced his wife – the complainant to submit to unnatural sex. The last such sexual misconduct allegedly occurred on 10.09.2020. The report is lodged on 28.09.2020.

The medical papers give no indication as to the veracity of the allegation. No injury or abnormality is noticed. However, it would be ultimately for the trial court to come to any conclusion, on the basis of the evidence on record.

5. At this stage, I am satisfied that the applicant has made out a case for grant of interim protection. The co-accused, who also faced allegation under section 498-A of IPC are protected. I have already held that, at this stage, the veracity of the charge under section 377 of the IPC cannot be looked into. However, the fact that there is no obvious or visible sign and that the report is belatedly lodged, are some circumstances which impel this court to exercise discretion.

6. The interim protection granted vide order dated 14.12.2020 is made absolute with the only modification that till the charge-sheet is filed, the applicant shall attend the concerned police station as and when required by the Investigating Officer.

JUDGE