

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

Criminal Application (ABA) No. 59 of 2021

(Hemant S/o Baban Thombare ..vs.. State of Maharashtra through P.S.O., Asegaon, Tq. Mangrulpir,
Distt. Washim)

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

Court's or Judge's orders

Mr. D. G. Dhoble with Mr. Raju Kadu, Advocates for the applicant
Mr. N. R. Rode, APP for the State

CORAM : ROHIT B. DEO, J.

DATED : 12-02-2021

Heard.

2. The applicant is apprehending arrest in Crime 8/2021 registered with Asegaon Police Station, Tq. Mangrulpir, District Washim for offence punishable under Sections 376, 376(2)(n) and 417 of the Indian Penal Code.

3. Ms. 'J' lodged report dated 6-1-2021 alleging that the applicant established sexual relationship with her in February, 2020 and 17-11-2020, promising that he would marry Ms. 'J'.

4. Ms. 'J' states that she is acquainted with the applicant since long. Both hail from the same village. Ms. 'J' alleges that on 29-11-2020, she learnt of the applicant's engagement to some other girl. Ms. 'J' confronted the applicant. She threatened the applicant that should he not marry her, she would consume poison

and as fact did consume poison on 29-11-2020 at 2.00 p.m.

5. The incident of consumption of poison on 29-11-2020 is not reflected from the record, save and except, in the statements of the witnesses, as hearsay. The witnesses state that Ms. 'J' informed them that she consumed poison on 29-11-2020.

6. The report is lodged on 6-1-2021. It would, of course, be the call of the trial Court to assess the effect and implication of the delay, if any. In the present facts, custodial interrogation does not appear to be necessary. Whether the consent of Ms. 'J' is vitiated shall be a matter of trial. The applicant has no adverse antecedent and is not a flight risk. Investigation is not likely to suffer, if the applicant is granted pre-arrest protection.

7. In the event of arrest of the applicant in Crime 8/2021 registered with 8/2021 registered with Asegaon Police Station, Tq. Mangrulpir, District Washim for offence punishable under Sections 376, 376(2)(n) and 417 of the Indian Penal Code for offence punishable under Sections 376, 376(2)(n) and 417 of the Indian Penal Code, the applicant be released on furnishing PR bond of ₹ 25,000/- (Rupees Twenty Five Thousand) with solvent surety of like amount.

8. The applicant shall attend Asegaon Police Station, Tq. Mangrulpir, District Washim as and when directed by

the Investigating Officer, till the filing of the charge-sheet.

9. The applicant shall not influence the witnesses directly or indirectly.

10. The applicant shall not leave India without permission of the jurisdictional Court.

11. The application is disposed of.

JUDGE

wasnik