

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

CRIMINAL APPLICATION (ABA) NO. 77 OF 2021

(Dnyaneshwar Kisan Nankar **Vs.** State of Maharashtra through P.S.O., P.S. Amdapur,
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. J. Thakkar, Advocate for Applicant
Mr. S. S. Doifode, APP for non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 03/03/2021.

Heard.

2. The applicant is apprehending arrest in Crime
35/2021 registered with Police Station, Amdapur, District
Buldhana for offences punishable under Sections 376(1)
and 506 of the Indian Penal Code.

3. The alleged incident occurred at 8.00 p.m. on
28-8-2020. According to the informant, her husband had
left town in connection with work and that she and her
children were in the house. At 8.00 p.m., the daughter of
the informant retired to bed and her son was playing
outside. The applicant who is the sarpanch of the village
came to the house of the informant and subjected her to
forcible sexual intercourse. The informant alleges that after

her husband came home at 11.00 p.m., she disclosed the incident to him. However, her husband ignored her and avoided to approach the police. It was only when the informant complained to Superintendent of Police, Buldhana and threatened to go on indefinite fast that her report is being registered.

4. I have perused the case diary and having done so, I am satisfied that the applicant has made out a case for pre-arrest protection.

5. The alleged incident occurred on 28-8-2020. The explanation given for lodging the report after five months is not believable at all. The statement of the husband of the informant is recorded and he states that he is not in touch with the informant since many months. In essence, he disclaims any personal knowledge or then the alleged disclosure. The husband of the informant further states that the informant had similarly accused one Pramod Giri of rape by lodging complaint dated 5-8-2020. Considering that the husband of the informant is not supporting her version at all, the fact that there is no

credible explanation for lodging the report after five months and that the possibility of false implication cannot be ruled out, the applicant is entitled to pre-arrest protection.

6. In the event of arrest of the applicant in Crime 35/2021 registered with Police Station, Amdapur, District Buldhana for offences punishable under Sections 376(1) and 506 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.

7. The applicant shall attend concerned police station as and when required and shall cooperate with the Investigating Officer.

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

9. The applicant shall not leave the country without the permission of the trial Court.

10. The application is disposed of.

JUDGE

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