

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

CRIMINAL APPLICATION (ABA) NO. 169 OF 2021

(Tushar s/o Ashok Gujaré ..vs.. State of Maharashtra, through PSO, Manora, District Washim)

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

Court's or Judge's orders

Mr. A.M. Ghare, Counsel for the applicant,
Mr. M.K. Pathan, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 09-04-2021

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant is apprehending arrest in Crime 19/2021 registered with Manora Police Station, District Washim for offence punishable under Section 376 read with Section 34 of the Indian Penal Code.

3. The report is lodged by Mrs. "C" which is to the effect that she was induced to succumb to sexual intercourse by promising marriage.

4. The charge-sheet is filed and although the applicant is shown absconding, the necessary statements appear to have been recorded.

5. At the relevant time, the complainant was residing with her parents in view of certain acrimony in

the marital relationship. Her father, however, escorted her to her matrimonial home and from there the applicant and the co-accused allegedly took her away. According to the complainant, she resided with the applicant for fifteen days. However, since the applicant refused to marry her, she left his company and lodged the police report.

6. The learned Additional Public Prosecutor Mr. M.K. Pathan points out that the medical examination of the applicant is to be conducted.

7. The interest of the investigating agency will have to be protected.

8. At the same, time since the investigation will have to be virtually complete, I do not see any impediment in protecting the applicant subject to the condition that he shall attend the concerned police station and cooperate with the Investigating Officer.

9. In the event of arrest in Crime 19/2021 registered with Manora Police Station, District Washim for offence punishable under Section 376 read with Section 34 of the Indian Penal Code, the applicant shall be released on furnishing personal bond of Rs.25,000/- with a solvent surety of like amount, which surety may be furnished within four weeks from the arrest, if any.

10. The applicant shall attend the concerned police station on 15th, 16 and 17th April, 2021 from 11-00 a.m. to 4-00 p.m. and shall cooperate with the Investigating Officer.

11. The applicant shall not make any attempt to influence the witnesses.

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

13. The application is disposed of accordingly.

JUDGE

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Prafulla
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by Prafulla
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