

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

**ANTICIPATORY BAIL APPLICATION (A.B.A.) NO. 267 OF 2021**

Shubham Purushottam Wankhede Vs. The State of Maharashtra.

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

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Shri R. D. Dhande, Advocate for the applicant.  
Ms. T. H. Udeshi, A.P.P for the non-applicant/State.

**CORAM : AMIT B. BORKAR, J.**

**DATE : 11/05/2021.**

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure, the applicant is seeking pre-arrest bail in relation to Crime No.197/2021 for the offences under Sections 376, 417 and 379 of the Indian Penal Code.
3. The First Information Report came to be registered against the applicant with the accusations that in the month of July 2020, the applicant had forcible sexual intercourse with the victim on the promise of marriage and thereafter also there was repeated forcible sexual intercourse with the victim. It is alleged that on 26.11.2020, the applicant persuaded the victim to get gold ornaments, cash and two

mobile phones from her house. It is alleged that after committing forcible sexual intercourse, the applicant refused to marry with the victim and therefore, the First Information Report came to be registered against the applicant.

4. The applicant filed an application under Section 438 of the Code of Criminal Procedure before the learned Sessions Judge, Wardha, which came to be rejected by order dated 03.04.2021.

5. The learned Advocate for the applicant submitted that there was love relationship between the applicant and the victim for a period of more than 8 months. He submitted that there is delay of one week in filing First Information Report. He submitted that the applicant is ready to furnish security to the extent of amount of Rs.64,000/- to secure the interest of the victim.

6. Having considered the submissions of the applicant and taking into consideration the love relationship between the applicant and the victim, this Court is of the opinion that the applicant deserves ad-interim protection on furnishing security.

7. I therefore, pass the following order :

i] In the event of arrest of the applicant in relation to Crime No.197/2021 registered with the non-applicant – Police Station for the offences under Sections 376, 417 and 379 of the Indian Penal Code, the applicant shall be released on furnishing P.R. Bond of Rs.20,000/- (Rs. Twenty Thousand Only) and surety to the like amount.

ii] The applicant shall remain present with the non-applicant – Police Station on every Sunday from 10.00 a.m. to 5.00 p.m.

iii] The applicant shall co-operate with the investigation and shall make himself available for interrogation whenever required.

iv] The applicant shall not directly or indirectly make any inducement, threat or promise to any witnesses acquainted with the facts of the case and shall not to distract them from disclosing such fact to the Investigating Officer.

v] The applicant shall not obstruct or hamper the police investigation and shall not play mischief with the evidence collected and yet to be collected by the police.

vi] The applicant shall furnish security to the tune of Rs.64,000/- (Rs. Sixty Four Thousand Only) in this Court within three weeks from today.

The application stands allowed in the above terms.

**JUDGE**