

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

CRIMINAL APPLICATION (BA) 493 OF 2021

(Sushant s/o. Sukhdeo Patra..vs..State, thr PSO Gittikhadan, Nagpur & anr)

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

Court's or Judge's orders.

Mr. A.A. Dhawas, counsel for applicant.
Ms. T.H. Udeshi, APP for non-applicant/State.
Mr. R.S. Suryavanshi, counsel for non-applicant 2.

CORAM: ROHIT B. DEO, J.

DATE:09.07.2021.

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

Heard.

2. The applicant is seeking bail in connection with Crime 249/2021, registered with Police Station, Gittikhadan, Nagpur, for offences punishable under sections 376(2)(n), 323, 506 of Indian Penal Code.

3. The crime is registered on the basis of report dated 31.3.2021, lodged by Mrs. "D".

4. The gist of the report is that the applicant forced and / or induced the complainant to have sexual relationship by promising marriage.

5. According to the complainant, the sexual relationship was first established in 2011. She alleges that since the applicant married someone else on 10.3.2021, of which marriage, she learnt on 15.3.2021, she is constrained to lodge report.

6. It would not be necessary to evaluate the material on record in order to ascertain the prima facie merits of the rival submission. Whether there was a promise to marry, and if yes, whether it was in view of that promise that the complainant agreed to have sex or whether the case is of breach of promise to marry, are all issues which the trial Court would ultimately answer after the evidence is adduced.

7. Since the investigation is complete, the chargesheet is filed and the applicant has no criminal antecedents, I am inclined to release the applicant on bail.

8. The learned counsel for the complainant would submit that after release on bail, the applicant may be restrained from entering the territorial limits of the

Gattikhadan Police Station, Nagpur since the complainant, who is residing within the jurisdiction of the said Police Station, would feel insecure.

9. The applicant be released on bail in connection with Crime 249/2021, registered with Police Station, Gittikhadan, Nagpur, for offences punishable under sections 376(2)(n), 323, 506 of Indian Penal Code, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount.

10. The applicant shall not enter the territorial limits of Gittikhadan Police Station, Nagpur, unless required to record attendance at the said Police Station, till the conclusion of the trial.

11. The applicant shall, within 48 hrs of release from custody, furnish the current residential and office address, cell number/s and any other relevant details by placing on record of the jurisdictional Court an appropriate praecipe and shall scrupulously update this information in case of any change.

12. The applicant shall not, directly or indirectly, make

any attempt to influence the witnesses or otherwise tamper with the evidence.

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

Judge

Belkhede