

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

CRIMINAL APPLICATION (ABA) NO. 377 OF 2021

Shweta d/o Subhash Raut
..vs..
State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Dr. M.S. Gawai, Advocate for applicant.
Shri A.M. Deshpande, A.P.P. for non-applicant.

CORAM : VINAY JOSHI, J.
DATED : 13/08/2021

The applicant-lady is apprehending to be arrested in Crime No.644 of 2021 registered with Rajapeth Police Station, District Amravati for the offence punishable under Sections 323, 342, 363, 386, 506(2) read with 34 of the Indian Penal Code, which is informed to be later transferred to Frezarpura Police Station, District Amravati.

2. At the instance of report dated 19.05.2021 lodged by the informant Naval Rathi, the crime was registered. The informant stated that he was having love affair with the applicant from last 5 years with understanding that they would not marry.

3. It is alleged that on 08.01.2021, two unknown persons abducted the informant, took him to secluded place. They demanded Rs.2,00,000/- and stamp papers from the informant. Accordingly, the

informant through his friends, procured Rs.1,00,000/- and a stamp paper. Then the informant was taken to Buddha Vihar, where allegedly he was compelled to garland the applicant and co-accused Ajay took the photographs and therefore, the report.

4. Learned Counsel for the applicant would submit that the entire First Information Report is totally false. He has particularly pointed out that prior to the lodgment of First Information Report, on 03.04.2021, the applicant-lady has lodged the report against the informant alleging the offence of rape and some other offences, which was registered at Karanja Police Station, District Washim.

5. It is submitted that after realizing registration of said crime, out of revenge, belatedly, the existing false report has been filed. It is also argued that in earlier First Information Report lodged by the informant, there is a reference that on 09.01.2021 both have garlanded each other, which according to the applicant, the informant has tried to falsify by lodging after-thought existing First Information Report.

6. Reading of the earlier First Information Report lodged by the informant, reveals that both were having love relations since last five years. The applicant-lady alleged that they had sexual relations

from which she was pregnant. The informant allegedly caused to abort her. Thereafter, they had married on 09.01.2021 by garlanding each other, but the informant denied then she lodged the report of complaining rape.

7. In the above background, the existing First Information Report is read. As per the informant's own case, from 08.01.2021 to 15.03.2021, the incident took place, but there appears to be inordinate delay in lodgment of First Information Report. As per informant's own case, on 09.01.2021 while he was in captivity his two friend met him and gave money and stamp paper. However, still no report was lodged which caste serious doubt about the occurrence. *Prima facie*, there is substance in the submission that, in order to give counter blast to the informant's report about rape, existing complaint has been filed. It is one of the object of Section 438 of the Code of Criminal Procedure to protect the person against whom *prima facie* it appears that the accusation is made with an object of humiliation or settle the score. Already interim protection was granted to the applicant by this Court vide its order dated 30.06.2021. There is no complaint about misuse of liberty at the hands of the applicant-lady. In view of the above, following order is passed :

(a) The application stands allowed.

- (b) Ad-interim order dated 30.06.2021 passed by this Court is hereby made absolute with a modification that she should attend concerned Police Station as ordered, on every Sunday in between 11.00 am to 2.00 pm, till filing of charge-sheet or for the period of six months from today, whichever is earlier.

JUDGE

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