

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

Criminal Application (BA) No. 794 of 2021

[Shri Nikhil S/o Prakash Wankhede ..vs.. The State of Maharashtra through P.S.O. of P.S. New
Kamptee, Dist. Nagpur]

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

Court's or Judge's orders

Mr. P. S. Tidke, Advocate for the applicant
Mrs. K. R. Deshpande, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 24-08-2021

The applicant is seeking bail in connection with Crime 67/2021 registered with Police Station, New Kamptee, Nagpur for the offences punishable under Sections 307, 341, 354A, 452, 504 and 506 of the Indian Penal Code.

2. The crime is registered on the basis of report dated 16-2-2021 lodged by Ms. "P" who was then a student of Asaram College of Nursing, Kamptee, District Nagpur and was residing alone in a rented room at Kamptee.

3. The gist of the prosecution case as culled out from the statement recorded under Section 164 of the Code of

Criminal Procedure, 1973 is that Ms. "P" was acquainted with the applicant who studied together with her brother. The applicant sent Ms. "P" a friend request on Facebook in 2016, the acquaintance developed in a relationship. However, Ms. "P" was cautioned by her family that the applicant was not a person of good character. Ms. "P", independently learnt that the applicant was not of sound character and, therefore, broke/ended her relationship. The applicant, however, continued to pester and stalk her which compelled Ms. "P" to lodge two reports at Umred Police Station, one of which is made available for my perusal by the learned Additional Public Prosecutor Mrs. Deshpande. The report pertains to certain incident which occurred in December, 2020.

4. Adverting to the present incident, according to Ms. "P" after she shifted to Nagpur in January, 2021 and starting residing in rented accommodation at Kamptee, the applicant persisted in visiting her college, stalking her and harassing her by constantly calling her telephonically. Ms. "P" blocked the known cell phone

number of the applicant. However, the applicant started calling her from multiple phone numbers which constrained Ms. "P" to change her cell phone number.

5. Ms. "P" alleges that while she was alone in her rented accommodation at 10.00 p.m. on 14-2-2021, the applicant forced open the door, held Ms. "P" by the throat, questioned her as to where she had gone and physically assaulted her. The applicant held her throat till Ms. "P" was forced to disclose her new cell number. The applicant also touched her breast.

6. Perusal of the medical papers reveals that certain abrasions and multiple scratches are found on the fingers and left elbow of the applicant and Ms. "P" was admitted at Neuron Hospital with post traumatic left facial surface injury.

7. Considering nature of the allegations, the fact that Ms. "P" was even earlier to the incident, required to lodge reports against the applicant which unfortunately were treated as non-cognizable, that the applicant

allegedly took advantage of the fact that Ms. “P” was residing alone in rented accommodation, I am not inclined to grant bail. However, the trial will have to be expedited and the trial Court is requested to frame the charge, if not already framed, within the next 45 days and to conclude the trial as expeditiously as possible and in any event, within six months from framing of the charge.

8. Notwithstanding that the trial is expedited, the applicant is at liberty to apply afresh for bail after the examination and cross-examination of the victim Ms. “P” is complete and if, such an application is moved, same shall be considered on its own merits.

9. Subject to observations supra, the application is dismissed.

JUDGE