

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

CRIMINAL APPLICATION [ABA] NO. 556 OF 2021.

Pawan Pramod Nagre and another.

-Versus-

State of Maharashtra, through P.O. Civil Lines, Akola.

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

Court's or Judge's orders

Shri S. Katkar, Advocate for Applicants.
Ms. T. Udeshi, A.P.P. for the Non-applicant.
Shri N. Patil, Advocate for the Informant.

CORAM : VINAY JOSHI, J.

DATE : OCTOBER 13, 2021

Heard.

2. Informant – father has lodged a report with the police that his daughter has stolen golden ornaments worth Rs.2 lakhs from his house on 05.09.2019. The informant learnt that under the guise of attending tuition classes, her daughter has eloped with the applicant and therefore, the report.

3. On the basis of said accusation, the police have registered a crime against the informant's daughter only. The learned Counsel for the applicant would submit that the applicant was having love relationship with the daughter of the informant. The applicant has also married with daughter of the informant, and hence, out of grudge, a false report has been

lodged.

4. It reveals from the record that no sooner the informants' daughter went missing, he has filed a Habeas Corpus petition before this Court. In said proceedings, the informant's daughter was brought before the Court who in clear terms stated that she wanted to reside with the applicant Pawan, and accordingly said petition was disposed of. Moreover, the applicant has produced certificate of registration of marriage to show that he got married with the informant on 10.12.2020.

5. The learned Counsel for the informant objected this application by filing reply. He would submit that when the gold ornaments were stolen, the informants' daughter was minor and was in the custody of the applicant.

6. Perusal of the first information report prima facie shows that the allegations are against the informants' own daughter. In order to draw inference that at the behest of applicant, the ornaments were stolen, it requires evidence, which is a matter of trial. At present the informant's daughter and applicant are married and are residing separately. It is informed that the co-accused is already released by Juvenile Justice Board vide order dated 21.06.2021. Considering the nature of accusation, it reveals that the main allegations are

against the co-accused, hence, applicant's liberty can be protected. Though certain antecedents are pointed out, however, admittedly they are relating to the report lodged by the informant only. In view of above, following order is passed.

- (i) Criminal Application is allowed and disposed of.
- (ii) The ad-interim protection granted to applicants vide order dated 27.08.2021, is made absolute on same terms and conditions.
- (iii) Applicants to attend the concerned police station on every Sunday in between 12 noon to 2 p.m., till the filing of the charge sheet or 60 days, whichever is earlier.
- (iv) All pending Misc. Criminal Applications also stand disposed of.

JUDGE

Rgd.