

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

CRIMINAL APPLICATION [ABA] NO. 561 OF 2021

Satish S/o Anil Rathod

...Versus...

State of Maharashtra Through P.S.O., P.S.Manora, Tah. Manora, Distt. Washim

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

Court's or Judge's orders

Shri S.Jagirdar, Advocate for applicant
Shri S.A. Ashirgade, A.P.P for non-applicant

CORAM : VINAY JOSHI, J.

DATE : 09/09/2021

Heard.

2. In anticipation of arrest in Crime No.454/2021, registered with Police Station Manora, District - Washim for the offences punishable under Sections 366 and 376 of the Indian Penal Code, the applicant is claiming pre-arrest protection.

3. The State resisted bail by filing reply-affidavit.

4. Victim aged 19 years has lodged a report regarding the occurrence. It is her case that on 29/06/2021 accused, who is brother of her friend met her on Manora bus stand. He allegedly forced the victim to board a bus and then by giving threats took her to Akola. Thereafter again by Auto Rikshaw, he took her to Shegaon at one lodging house. While they were in lodge during night hours, he had committed sexual intercourse. On the following day the accused took her to village Mangrulpir and left alone. The victim said that thereafter brother of wife of accused came there and took her to Chikhalagad at her relatives place.

5. The learned Counsel for applicant would submit that it is a case of consensual sex. In support of said contention, he would submit that the victim is major, both travelled from place to place by public transport. The reading of First Information Report prima facie discloses that victim had ample opportunity to seek for public help. Having regard to these facts the applicant's liberty can be protected. As regards to the medical examination of accused, such directions can be issued.

6. In view of that following order:

- (i) Application stands allowed.
- (ii) In the event of arrest of applicant/accused- Satish S/o Anil Rathod, in Crime No.454/2021, registered with Police Station Manora, District - Washim for the offences punishable under Sections Sections 366 and 376 of the Indian Penal Code, he shall be released on bail on his executing PR. Bond in the sum of Rs.25,000/- with one surety in the like amount.
- (iii) The applicant shall attend concerned Police Station on every Sunday in between 11.00 a.m. to 2.00 p.m. till filing charge-sheet.
- (iv) The applicant shall made himself available for medical examination and taking samples as and when called by concerned Police.
- (v) The applicant shall not tamper with the prosecution evidence.

JUDGE