

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

CRIMINAL APPLICATION [BA] NO. 1093/2020.

Suraj Shantaram Nage

-VERSUS-

The State of Maharashtra

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

Court's or Judge's Orders

Shri O.Y. Kashid, Advocate for the Applicant.
Ms. S.S. Jachak, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : MARCH 25, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant is seeking regular bail in connection with Crime No. 177/2020, registered as Khadan Police Station, District Akola in respect of offence punishable under Sections 376[2][n] and 377 of the Indian Penal Code.

3. The State has resisted the bail by filing reply affidavit.

4. The informant, a married lady aged 27

2

years has lodged a report on 24.07.2020, on the basis of which an offence came to be registered. It is her contention that the applicant/accused was working as a labour with her husband since the year 2014. The informant lady got acquainted with the accused in the year 2014, and since then she had physical relations with the accused.

5. According to the informant, when her husband learn about illicit relations, he left her and thereafter she resided elsewhere. The informant stated that at said place also the applicant used to arrive and again they had sexual relations. Lastly she stated that on 08.04.2020 the accused had unnatural sexual intercourse with her and again on 12.04.2020, they had sexual relations. The informant stated that since the accused refused to marry, she has lodged the report.

6. Having regard to the long standing relationship, this Court vide order dated 02.06.2020, has granted interim protection to the applicant. It is to be noted that in the meantime, the investigation is completed and charge sheet has been filed.

7. Reading of the first information report

3

itself discloses that over the period six years, both have sexual relations. The medical examination report was viewed from the point of last occurrence, however, there is no material to show that force was used. Considering the nature of accusation and long standing relationship, the accused has made out a case for grant of bail. Hence, the following order.

- (i) Criminal Application is allowed and disposed of.
- (ii) The interim order dated 02.06.2020 passed by this Court is hereby made absolute on the same terms and conditions.

JUDGE

Rgd.

**Rakesh
Dhuriya**
Digitally signed
by Rakesh
Dhuriya
Date: 2021.03.26
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