

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

CRIMINAL APPLICATION (BA) NO.1083 OF 2021

(Suraj s/o Shriram Nanhe Vs. The State of Maharashtra thr. PSO PS Desaijanj, Dist.
Gadchiroli)

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

Court's or Judge's orders.

Mr. L. B. Khergade, Advocate for Applicant.
Mr. N. S. Rao, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 25th OCTOBER, 2021.

The applicant is arrested on 28.02.2021 in connection with Crime 103/2021 registered with Police Station Desaijanj, District Gadchiroli for offences punishable under sections 376 (2)(n), 417 of the Indian Penal Code, on the basis of report lodged by Ms. 'S'.

2. The report dated 26.02.2021 alleges that Ms. 'S' married in 2013, since the marriage did not work out she returned to her parental home in 2015. The applicant started visiting the house of the applicant since 2019 in connection with the construction of the house. The applicant also happens to be related to Ms. 'S'. The applicant and Ms. 'S' fell in love and in October, 2019 the applicant established sexual relationship although Ms. 'S' was not willing. It is further alleged that the applicant promised marriage and Ms. 'S' too wished to marry him. The report then alleges that since 15.01.2021 the applicant stopped

visiting Ms. 'S' and then refused to marry her.

3. The investigation is complete and the charge-sheet is filed. Whether the applicant induced Ms. 'S' to have sex by falsely promising marriage is something which the trial Court would ascertain on the basis of the evidence adduced. However, a case for bail is made out since the applicant has no criminal antecedents, he is not a flight risk and is not in a position to influence the witness/complainant.

4. The application is allowed.

5. The applicant shall be released on bail on executing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with a solvent surety of like amount.

6. The applicant shall not make any attempt to tamper with the evidence or to influence witnesses, directly or indirectly.

7. The applicant shall attend each date of hearing scrupulously.

8. The applicant shall not leave the country without the permission of the trial Court.

JUDGE