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¹IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.746/2021

Bhushan S/o Ashok Khanderao,

-VERSUS-

State of Maharashtra through Police Station Officer, Police Station Saoner, District Nagpur.

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

Court's or Judge's Orders

Shri Rajesh Nayak, Advocate for appellant.
Shri S.D. Sirpurkar, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : NOVEMBER 30, 2021.

Heard.

2. At the instance of report dated 03/10/2021 lodged by informant lady against her husband, crime was registered. It is alleged that on 07/02/2021 i.e. prior to her marriage with applicant, he had forcible sexual relations. Thereafter, both of them married on 27/05/2021 and then on 02/06/2021, the applicant established unnatural sex with her. Hence the report.

3. The State has resisted the bail on the ground that the offence is serious and applicant's custody is required for medical examination and seizure of mobile handset.

4. The applicant's learned Counsel would submit that due to matrimonial dispute, false report

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has been lodged. To substantiate said contention he has produced earlier report of informant dated 05/07/2021 which does not bear allegations of unnatural offence but it is only in respect of matrimonial harassment. Moreover, the statement of informant recorded by police on 26/08/2021 does not speak about unnatural offence. Prima facie there is substance in the contention that the matrimonial dispute has been exaggerated by the informant lady who was a major.

5. Having regard to the nature of accusation, applicant has made out a case for grant of pre-arrest protection. In view of that following order:

- a) The application stands allowed.
- b) Ad-interim order dated 02/11/2021 is hereby made absolute upon same terms and conditions.
- c) Henceforth the applicant shall attend concerned police station as and when called.
- d) The applicant shall produce himself for undergoing medical examination and shall surrender his mobile as and when called.
- e) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

R.S. Sahare

Signed By: RANJANA SAMEER
SAHARE

Signing Date: 02.12.2021 14:56