

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

CRIMINAL APPLICATION (ABA) NO. 749/2021

Nikhil Suprabuddha Shende .vs. State of Maharashtra through PSO P.S.
Sadar, Nagpur, Tq. Dist. Nagpur.

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

Court's or Judge's orders.

Mr. A. C. Jaltare, Advocate for applicant.
Mr. T. A. Mirza, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 9, 2021

Heard Mr. Jaltare, learned counsel for applicant and Mr. Mirza, learned counsel for non applicant-State. Also perused the reply.

The applicant is apprehending his arrest in connection with Crime No.464/2021, registered with Police Station, Sadar, Nagpur for an offence punishable under Sections 376, 376(2) (n), 417 and 506 of the Indian Penal Code.

Victim in this case is aged about 35 years and she is a widow. She lodged report on 08.10.2021 accusing that there was love relation between applicant and her and taking advantage of that, he committed rape on her.

Reply of prosecution and the statements made available to me, do not rule out possibility of consensual sex in between the victim and the applicant.

Applicant is permanent resident of Nagpur and having deep roots in the society. It is not the prosecution version that he will not be available to the course of justice.

Further, the applicant was granted ad interim protection on certain conditions. It is the submission made on behalf of applicant that the applicant has scrupulously followed the conditions imposed upon him and it is not at all disputed by the learned A.P.P.

In view of the aforesaid, I am of the view that application of applicant needs to be considered favourably. Resultantly, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Nikhil Suprabuddha Shende be released on bail in connection with Crime No. 464/2021, registered with Police Station, Sadar, Nagpur for an offence punishable under Sections 376, 376(2) (N), 417 and 506 of the Indian Penal Code, on his executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) Applicant shall attend Police Station, Sadar, as and when directed by the investigating officer. However, for that the investigating officer shall give clear cut 24 hours advance notice to the applicant.
- (iv) The applicant shall not give any type of threats to the victim or to her family.

The application is disposed of.

JUDGE