

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

CRIMINAL APPLICATION (ABA) NO.467 OF 2022

Shubham S/o Murlidhar Bonde

Versus

State of Maharashtra, through P.S.O., P.S. Badnera, Tq. & Dist. Amravati

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

Court's or Judge's Order

Shri P.R. Agrawal, Advocate for the applicant.

Shri T.A. Mirza, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 14/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.478 of 2022, registered with Police Station Badnera, District: Amravati, for the offences punishable under Sections 376(2)(n), 328 and 506 of the Indian Penal Code.

2. Shri P.R. Agrawal, learned counsel for the applicant submits that the alleged incident is dated 06.01.2019 whereas, the complaint was lodged on 12.06.2022 i.e. after two and half years. It is submitted that the delay has not been explained by the informant, thus, it creates doubt about the veracity of the allegations.

3. He further submits that the applicant has been falsely implicated in the alleged offence.

4. On the other hand, Shri T.A. Mirza, learned APP opposes the present application.

5. I have perused the First Information Report (FIR) and reply of the State.

6. In this case, as per the story of the prosecution, the informant lodged the complaint alleging against the applicant on 06.01.2019, called her at Dhan apartment on the pretext of requirement of her laptop and at that time, he established sexual relation with the applicant by administering sedative in the cold drink and thereafter, on 19.03.2022 the applicant had called her and allegedly demanded sexual favours.

7. Considering the allegations and the delay in lodgment of the FIR, it creates doubt about the veracity of the allegations. In the circumstances, I am of the opinion that the custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 30.06.2022, granting *ad interim* anticipatory bail, is confirmed with modification that the applicant

shall attend the concerned Police Station as and when his presence is required.

- c) The applicant shall not tamper with the prosecution witnesses.
- d) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]