

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

**CRIMINAL APPLICATION (ABA) NO. 815 OF 2021**

Nitin @ Nitesh Mahadeo Dahaghane

..vs..

State of Maharashtra, thr. P.S.O.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Shri R.R. Vyas, Advocate for applicant.

Shri M.J. Khan, A.P.P. for non-applicant/State.

**CORAM : VINAY JOSHI, J.**

**DATED : 05/01/2022**

Heard.

2. In anticipation of arrest in Crime No.1444 of 2021 registered with Wardha Police Station, District Wardha for the offence punishable under Sections 323, 406 and 376(2)(n) of the Indian Penal Code, the applicant has prayed for pre-arrest protection.

3. At the instance of report lodged by a married lady aged 44 years, the Crime was registered. It is the informant's grievance that she had developed intimacy with the applicant, which was extended to physical relationship. In the year 2016, she had also a child from the applicant to whom the latter was paying maintenance. Since the applicant discontinued to pay maintenance, she has filed the proceedings under the Domestic Violence Act, which is pending. However, she urged that on 14.01.2021, the applicant called her under the guise of talking something, but had forcibly

sexual intercourse with her, hence the report. Considering the *prima facie* material by passing detailed order, this Court has granted interim protection to the applicant. Though the State resisted bail by filing affidavit-in-reply, no material exists to make out a substantial ground for denying applicant's liberty. *Prima facie*, the entire story gives an impression that it is a consensual relationship between two adults. The last incident appears to be improbable since already parties were in dispute and fighting litigation in the Court of Magistrate. Precisely that there is no necessity to have custodial interrogation, hence, the following order :

- (a) Criminal Application stands allowed and disposed of.
- (b) Ad-interim order dated 01.12.2021 is hereby made absolute upon same terms and condition, The applicant shall continue to attend concerned Police Station as and when called.
- (c) The applicant shall co-operate to the Police for medical examination as and when summon by the Police.

**JUDGE**

*Trupti*

TRUPTI SANTOSHJI AGRAWAL

06.01.2022 11:32