

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

CRIMINAL APPLICATION (ABA) NO.725 OF 2022

Ravi S/o Sukhlal Biranwar .Vs. State of Maharashtra, through P.S.O., P.S.
Rawanwadi, Tah. & Dist. Gondia

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

Court's or Judge's Order

Shri R.K. Borkar, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 22/11/2022

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.328 of 2022, registered with Police Station Rawanwadi, District: Gondia, for the offence punishable under Section 306 of the Indian Penal Code.

3. The allegation against the applicant is that he has committed rape on the informant and when the complaint was lodged as regards the said incident, he was arrested and while releasing on bail, a condition was imposed to the effect that, he shall not enter village Mogara till further orders.

4. It is stated that, despite this condition in breach of the same he enters into the village Mogara and

humiliated and threatened the deceased, because of which the deceased, husband of the informant, committed suicide.

5. The alleged incident took place on 24.05.2022 whereas, the First Information Report came to be lodged on 08.09.2022 i.e. after more than three and half months. No explanation has been offered for such huge delay in lodging the FIR. Thus, it creates doubt about veracity of allegation against the applicant.

6. Moreover, considering the contents of the FIR, it can be seen that the deceased was under depression when he had committed suicide. Thus, in the above referred facts and circumstances, I am of the opinion that custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in the event of arrest of the applicant in Crime No.328 of 2022, registered with Police Station Rawanwadi, District: Gondia, for the offence punishable under Section 306 of the Indian Penal Code, the applicant shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one solvent surety in the like amount.

- c) The applicant shall not enter into the territorial jurisdiction village Mogara, Tq. & Dist. Gondia till filing of the charge-sheet.
- d) The applicant shall attend the concerned Police Station as and when his presence is required.

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

JUDGE