

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

Criminal Application (BA) No. 1264 of 2022

Sanket S/o Satish Jaiswal

Versus

State of Maharashtra, through Police Station Officer, Beltarodi Police
Station, Nagpur

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

Court's or Judge's Order

Shri R.D.Bhuibar, Advocate for the applicant.

Shri S.D.Sirpurkar, APP for the State / Non-applicant.

Shri V.R.Borkar, Advocate assist to prosecution.

CORAM : ANIL S. KILOR, J.

DATED : 23rd NOVEMBER, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 192 of 2022 registered with Police Station Beltarodi, Dist. Nagpur for the offence punishable under Sections 376(2)(n), 468, 471 and 420 of Indian Penal Code.

2. As per the prosecution story, the applicant cheated the informant by saying that his wife is suffering from blood cancer and after her death he will marry with the informant and thereby established with her the physical relations. Whereas, subsequently, it was found that medical documents which was shown to the

informant about the ailment of wife of the applicant, were false and fabricated.

3. Applicant is in jail since 17th September, 2022 and after completion of investigation, the chargesheet has been filed.

4. Whether there was any false promise or there was any misconception of fact, is the matter of trial as far as the story of the prosecution about the ailment of wife.

5. So far as the allegations attracting Section 376 of Indian Penal Code are concerned, if they are taken on its face value, it can be seen that there was a consensual physical relations between the applicant and the informant who is 28 years of age.

6. In the circumstances, even though, learned Additional Public Prosecutor and the learned counsel for the victim are strongly opposing the present application, I am of the opinion that the applicant is entitled for grant of bail. Accordingly, I pass the following order.

- i. The criminal application is allowed.
- ii. It is directed that the applicant shall be released on bail in Crime No. 192 of 2022 registered with Police Station Beltarodi, Dist. Nagpur for the offence punishable under Sections 376(2)(n), 468, 471 and 420

of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- with one solvent surety in the like amount;

iii. The applicant shall attend the concerned Police Station as and when his presence is required;

iv. The applicant shall not tamper with the prosecution witnesses;

v. The applicant shall not leave the jurisdiction of the concerned Police Station without permission of the Court.

[ANIL S. KILOR, J.]

SACHINDANAND
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