

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

CRIMINAL APPLICATION (BA) NO.90 OF 2023

Sanghpal Kishor Sankale Vs. State of Maharashtra and another

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

Court's or Judge's orders.

Shri R.H. Rawlani, Advocate for applicant.
Shri I.J. Damle, APP for non-applicant no.1/State.
Ms Kirti Deshpande, Advocate appointed for non-applicant
no.2.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 08, 2023.

Heard.

2. It appears that though the applicant was engaged to another lady and ultimately got married to her on 24.03.2022, he indulged into sexual activities with the victim between period from 01.11.2021 to 26.06.2022.

3. Learned counsel for the applicant submits that the applicant got married after he and victim were instructed by the parents not to meet.

4. Learned APP has invited my attention to the statement of witness recorded on 14.07.2022, the witness has stated that the applicant was involved in the relationship with the victim for last seven months and that the witness has advised the applicant not to engage into such activity as he is already married. Despite such advise, the applicant continued the relationship.

5. Thus, the statement of witness clearly indicates that the applicant was married when he has established relationship and cheated the victim and obtained her consent for sexual favour on the pretext of marriage. The victim was minor. Thus, *prima facie*, there appears intention of deception right at the inception. Therefore, the application is rejected.

6. Professional fees of learned counsel appointed for non-applicant no.2 be quantified and paid, as per Rules.

JUDGE

Wagh