

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

CRIMINAL APPLICATION (ABA) NO. 256/2023

Nilesh Manoharrao Jagtap Vs. State of Maharashtra and Anr.

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

Court's or Judge's orders

Mr. Anil Mardikar, Sr. Advocate with Mr. V. R. Deshpande, Advocate
for the Applicant.

Mr. N. R. Patil, A.P.P. for the Non-applicant(s)/State.

Mr. S. I. Ghatte, Advocate for Non-applicant No.2.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 09/05/2023.

. Heard.

2. The applicant is apprehended for arrest in Crime No.359/2023 for the offences punishable under Sections 354-A, 363, 376(2)(k) and 506 of the Indian Penal Code.

3. It is the case of the victim that when she was arrested for the offence of the theft, during investigation of the said crime, she came in contact with the applicant and they exchanged mobile numbers. Thereafter, they started chatting on Whats-App. The applicant called her to meet him near the M.V. College, Amravati. Thereafter, they went towards Chandur Bazar on vehicle of complainant. It is alleged that the applicant misbehaved with her when she was driving. The applicant touched her inappropriately and thereafter, he took her in a field and had sexual intercourse with her. Thereafter, she informed the same to her father and on lodging report, the crime was registered.

4. The learned Counsel for the applicant has stated that the applicant is major and there was consensual relationship between them.

5. The respondent No.2 – victim along with her Counsel appeared before the Court and has stated that she has no grievance against the applicant.

6. As the victim herself has no grievance against the accused/applicant, the custodial interrogation of the accused is not required. Hence, the order.

ORDER

i] The application is allowed.

ii] In the event of arrest of the applicant in Crime No. 359/2023 registered with the Police Station Gadge Nagar, District Amravati for the offences punishable under Sections 354-A, 363, 376(2)(k) of the Indian Penal Code, the applicant be released on bail on furnishing P.R. bond of Rs.15,000/- with a solvent surety in the like amount.

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

(MRS. VRUSHALI V. JOSHI, J.)

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