



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

CRIMINAL APPLICATION (ABA) NO.454 OF 2023

Mayur s/o Ramdhan Gaderao Vs. State of Maharashtra

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

Court's or Judge's orders.

Shri M.V. Rai, Advocate for applicant.
Shri N.R. Rode, APP for non-applicant/State.
Shri A. Ananthakrishanan, Advocate appointed for victim.

CORAM : M.W. CHANDWANI, J.
DATE : SEPTEMBER 20, 2023.

The applicant is apprehending his arrest in connection with Crime No.261/2023 registered with Police Station, City Kotwali, District Amaravati for the offences punishable under Sections 376 (2)(n), 500 and 506 (2) of the Indian Penal Code.

2. Heard learned counsel for applicant as well as learned APP for the State. I have gone through the case diary.

3. Perusal of case diary would show that the victim is an estranged wife. She has also filed case against her husband. Pending that case, the victim came into contact with the applicant and she was in relationship with him. On 04.11.2019, the applicant took victim at Nagma Guest House. They resided there for three days. The allegation against the applicant is that the applicant established physical relationship with the victim on the pretext of marriage and thereafter the applicant refused to marry with her.

4. Prima facie, it appears that the victim was in relationship with the applicant and the sexual intercourse was consensual. The victim is a married woman, herself accompanied the applicant to a lodge, where they stayed for three days. Whether the physical relations were established on the pretext of marriage and in view of subsistence of earlier marriage, how much it is relevant, are the questions which can be gone into during trial.

5. Considering the nature of allegation and the fact that the victim is already married woman, a case is made out for exercising discretionary relief. Hence, I proceed to pass the following order:

ORDER

- i. The criminal application is allowed.
- ii. In the event of arrest in Crime No.261/2023 registered with Police Station, City Kotwali, District Amaravati for the offences punishable under Sections 376 (2)(n), 500 and 506 (2) of the Indian Penal Code, applicant – Mayur S/o Ramdhan Gaderao, be released on bail on furnishing P.R. Bond in the sum of ₹25,000/- with one surety in the like amount.
- iii. The applicant shall attend concerned Police Station on every Tuesday between 10.00 am and 12.00 noon and shall cooperate in the investigation.

- iv. The applicant shall furnish his cell phone number and address with address proof.
- v. The applicant shall not tamper with the prosecution evidence or shall not induce, threaten or pressurize any witness, who are connected with the crime.
- vi. The professional fees of the learned counsel appointed for the victim be quantified and paid as per Rules.

With this, the application is disposed of.

JUDGE

Wagh