



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

CRIMINAL APPLICATION (BA) NO. 693 OF 2023

(AKASH S/O ANIL JADHAV VS. STATE OF MAHARASHTRA)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A. B. Mirza, Advocate for applicant.
Mr. I. J. Damle, APP for respondent State.

CORAM : M. W. CHANDWANI, J.

DATE : 13/09/2023

The applicant seeks regular bail in Crime No.359/2022, registered with Police Station, Ganeshpeth, District – Nagpur City, for the offence punishable under Sections 376(2)(n), 417 and 420 of the Indian Penal Code, 1860 (IPC).

2. Heard learned counsel for the applicant, as well as learned APP for respondent State.

3. The charge-sheet is filed. Perusal of the charge-sheet transpires that the applicant in spite of being married, put his bio-data on Jeevansathi web portal for searching bride. The applicant took the victim to Hotel Krishna Oyo Townhouse, New Cotton Market, Nagpur and on the promise of marriage, he established forcible sexual relationship with the victim. Again on 03/06/2022, the applicant took the

victim at Hotel Krishna, and established physical relationship, but whenever she used to talk about the marriage, the applicant avoided the said topic.

4. It is also the case of the prosecution that for transfer of the job the applicant taken hand loan of Rs.5,00,000/- from the victim girl from time to time and on one or the other reason did not repay the same. Therefore, on the complaint of victim, the aforesaid offences came to be registered against the applicant.

5. It appears that victim is aged about 30 years old. Perusal of the charge-sheet goes to show that before this complaint, the victim had also lodged complaints against the applicant on 24/08/2022 to Commissioner of Police alleging that in spite of taking the amount, the applicant did not repay the same and even cheque given by the applicant towards the repayment of the amount of Rs.5,00,000/- was bounced.

6. Notably, the incident of sexual intercourse alleged in the FIR occurred in the month of February, 2022 and July, 2022, whereas complaint has been lodged to the Commissioner of Police on 24/08/2022, but there is no whisper of sexual intercourse in the

said complaint. It also appears that the charge-sheet has already been filed and investigation is over. The applicant is behind the bars since 5th February, 2023. The trial will take considerable time. The applicant has fixed place of abode. There is no likelihood that the applicant will flee away from justice. Considering the material discussed above, a case is made out for exercising jurisdiction of grant of bail in favour of the applicant. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant/accused, namely, **Akash S/o Anil Jadhav** Crime No.359/2022, registered with Police Station, Ganeshpeth, District – Nagpur City, for the offence punishable under Sections 376(2)(n), 417 and 420 of the Indian Penal Code, 1860, shall be released on bail on furnishing P.R. Bond in the sum of **Rs.50,000/-** (Rupees Fifty Thousand only) with one solvent surety in the like amount.
- (c) The applicant shall attend the learned trial Court on each and every date unless exempted by the Court.
- (d) The applicant shall not tamper the prosecution evidence or induce, threaten or pressurize any witnesses, who are connected with the crime.

(e) The observations made herein are prima facie. The trial Court shall not get influenced by the observations made in this order.

7. Accordingly, application is disposed of.

[M. W. CHANDWANI J.]