



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

CRIMINAL APPLICATION (ABA) NO.568 OF 2023

Amol s/o Vilas Ghode 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 A.M. Jaltare, Advocate for applicant.
Shri Ganesh Umale, APP for non-applicant no.1/State.
Ms Radha Meshram, Advocate appointed for non-applicant
no.2.

CORAM : M.W. CHANDWANI, J.

DATE : OCTOBER 11, 2023.

The applicant is apprehending his arrest in connection with Crime No.672/2023 registered with Police Station, Deoli, District Wardha for the offence punishable under Sections 376, 376(2)(n), 506 of the Indian Penal Code, 1860 and under Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard learned counsel for the applicant as well as learned APP for the State assisted by the learned counsel for the non-applicant no.2/victim. I have gone through the record.

3. The allegations in First Information Report (FIR) show that the victim was acquainted with the applicant for the last four years. They used to talk on mobile and even exchange text messages on the phone. In the month of April 2022, the applicant took victim at Pavnar. Thereafter, after two

months, the applicant took the victim girl to the room of his friend and committed forcible sexual intercourse. When the victim attained the age of 18 years, the applicant again took her to a friend's room at Savanghi Meghe, where he committed forcible sexual intercourse. After that, on 02.03.2023, the marriage of the victim and applicant was performed. However, later on, on the complaint of the victim girl, the aforesaid offence came to be registered against the applicant.

4. It transpires from the FIR that the applicant and victim have had a physical relationship since April 2022. Even the marriage of the victim girl was performed with the applicant. Now, the victim girl has come with a case that she was not aware that signatures were taken by the applicant for the marriage papers and she claims that no marriage was performed. The victim girl was 17 years of age at the time of the alleged first physical relationship. She was capable of understanding the consequences. Even after attaining the age of majority she accompanied the applicant and a physical relationship was established. The submission of the victim that she was not aware that she had signed the document regarding marriage is not digestible even though she did not tell the incident from April 2022 till 28.06.2023. The applicant is protected by the order dated 20.09.2023.

5. Considering this aspect, a case is made out for exercising discretion in favour of the applicant. Hence, following order:

ORDER

- i. The application is allowed.
- ii. Ad interim protection order dated 20.09.2023 is hereby confirmed.
- iii. The applicant shall attend the concerned Police Station on every Sunday for three weeks and thereafter as and when called by the investigating officer, till filing of the charge-sheet.
- iv. Professional fees of the learned appointed counsel be quantified and paid as per Rules.

The application is disposed of.

JUDGE

Wagh