



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

**Criminal Application [ABA] No.634 of 2023**

*Hrushikesh Girish Visave*

vs.

*State of Maharashtra, through P.S.O. Vasantnagar Police Station, Pusad,  
Dist. Yavatmal and another*

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

*Court's or Judge's Orders*  
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*Mr. S.S. Sheikh, Advocate for the Applicant.*

*Mr. V.A. Thakre, A.P.P. for Non-Applicant No.1/State.*

*Mrs. A.M. Raut, Advocate for Non-Applicant No.2/Complainant.*

**CORAM** : **M.W. CHANDWANI, J.**  
**DATE** : **10<sup>th</sup> OCTOBER, 2023.**

Reply filed by the learned Counsel for non-applicant No.2  
is taken on record.

02] Apprehending arrest in connection with Crime  
No.392/2023, registered with Police Station Vasantnagar, Pusad,  
District Yavatmal, for the offences punishable under Sections 376(2)  
(n) and 506 of the Indian Penal Code, the applicant has filed this  
application for anticipatory bail.

03] Heard the learned Counsel for the applicant as well as  
the learned A.P.P. for the State assisted by learned Counsel Mrs. Raut  
for the complainant.

04] Having gone through the case diary, it transpires that the  
complainant/victim came in contact with the applicant through social  
media i.e. Instagram. Initially they were chatting with each other.  
Later on, it was converted into relationship. The applicant showed

intention to meet her. Therefore, at the instance of the applicant, victim on 06/06/2023 had been to Pusad in the midnight at about 12:00 a.m. Thereafter, the applicant took her to Nancy Lodge, where physical relations were established between them. It is alleged that inspite of having no consent, the applicant forcibly established physical relations with her in the said night at Nancy Lodge. Thereafter, the applicant avoided even to talk with the victim. Therefore, the victim lodged the complaint against the applicant.

05] Perusal of the case-diary further reveals that the applicant is a Government Servant and is serving with Irrigation Department. It appears that the victim on her own went on the way from Nagpur to Pusad and she reached there in the midnight at about 12:00 a.m. She also stayed with the applicant over the night in Nancy Lodge. All these circumstances do not rule out the possibility of consensual sexual intercourse between the applicant and the victim. Whether the victim had given her consent for sexual intercourse on the promise of marriage or it was out of free will, is a matter of trial.

06] Therefore, considering the nature of allegations and age of the victim, a case is made out for exercising extraordinary discretion in favour of the applicant. Hence, the following order :

### **ORDER**

- I. In the event of arrest of the applicant in Crime No.392/2023, registered with Police Station Vasantnagar, Pusad, District Yavatmal, the applicant shall be released on bail on his furnishing a P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one solvent surety in the like amount, before the trial Court.

- II. The applicant shall attend the concerned Police Station on every Saturday in between 10:00 a.m. and 12:00 p.m. initially for a period of three weeks and shall co-operate in the investigation.
- III. The Secretary, High Court Legal Services Sub-Committee, Nagpur to quantify and release the professional fee to the learned Counsel appointed for non-applicant No.2, as per rules.
- IV. The application is allowed and disposed of accordingly.

**JUDGE**

*\*sandesh*