



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

CRIMINAL APPLICATION (ABA) NO. 693/2023

Shri Pankaj Janardhan Humane V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.P. Joshi, counsel for the applicant
Mr. N.R. Rode, APP for the non-applicant/State.
Mr. A.Y. Yerkhede, counsel for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/12/2023.

1. By this application, the applicant is seeking pre-arrest bail in the event of his arrest in connection with Crime 701/2023 registered with Police Station Badnera, District Amravati for the offence punishable under Sections 315, 323, 498-A, 504 and 506 of the Indian Penal Code, 1860.

2. The applicant is apprehending arrest at the hands of the Police as crime is registered on the basis of the report lodged by his wife on an allegation that she got acquaintance with the present applicant in the year 2014. Thereafter, there was friendship between them, and the present applicant proposed before performing the marriage. The applicant expressed his feelings to her, and on the promise of

marriage, subjected her for sexual assault. Thereafter, he performed marriage with her. She resumed the cohabitation with the present applicant. She was pregnant from the present applicant but the present applicant has not treated her well and subjected her for ill-treatment. On 02/08/2023, when she was pregnant, only with the intention that she should not deliver a child, and there should be an abortion, he subjected her for sexual assault unnaturally. It is further alleged that she was assaulted by the present applicant and driven out of the house. On the basis of the said report, the Police have registered the crime against the present applicant.

3. Learned counsel Mr. A.P. Joshi for the applicant submitted that as far as the allegations are concerned, out of the matrimonial dispute alleged incident has occurred. In fact, no such alleged incident has taken place. On the contrary, the victim has left the house behind his back, and due to travelling, she has undergone an abortion. In fact, the present applicant is not at all responsible for her abortion, his custodial interrogation is not required, and he be released on anticipatory bail.

4. Learned APP strongly opposed the present application on the ground that considering the gravity

of the allegation, the custodial interrogation of the present applicant is required and prays for rejection of the application.

5. Heard learned counsel for the applicant and learned APP for the State. Perused the investigation papers. As far as the allegations are concerned, it is to the extent that prior to the marriage, she was subjected for sexual assault, on the promise of marriage. Thereafter, the present applicant has performed the marriage but was not willing to have a child from her, and therefore, with intend to abort her child, he subjected her for sexual assault unnaturally.

6. It is further alleged that she was also assaulted by the present applicant and driven out of the house, which resulted into the abortion and she has lost her child. During the investigation, the investigating officer has recorded the relevant statement, and also collected the medical certificate. At this stage, the medical certificate shows that there was an injury on her person which substantiates the allegations.

7. Furthermore, considering the gravity of the allegations, I am not inclined to allow the present

application, therefore present application deserves to be rejected. Accordingly, I proceed to pass the following order:

The criminal application is **rejected**.

[**URMILA JOSHI-PHALKE, J**]