



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

CRIMINAL APPLICATION (BA) NO.21 OF 2024

Ashish Ghanshyam Laddhad

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Ajani,
Nagpur

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

Court's or Judge's orders

Mr. R. M. Daga, Advocate for applicant.

Ms. H. S. Dhande, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 26/03/2024

1. The applicant came to be arrested on 18.05.2023 in connection with Crime No.190/2023 registered with Police Station, Ajani Nagpur for the offences punishable under Sections 376(2)(n), 384, 294, 506(b) and 504 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by the victim aged about 29 years. As per the allegation, on 26.03.2023 victim lodged the report that she got acquaintance with the present applicant in the year 2017 when she was in search of job. Thereafter, on 10.05.2018 applicant came to the house of the victim and subjected her for forcible sexual relations with her and thereafter, continued with the same. It is further alleged that the applicant has also demanded money from the victim and threatened her to kill. Out of the said relationship, she had already delivered a child and the child was left in the hospital

itself. During the investigation, the investigating agency searched out whereabouts of the child and it revealed that the said child was born out of the said relationship. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant Mr. Daga submitted that from the recitals of the FIR and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure from which it reveals that there was a consensual relationship between them. Out of which, the child was born and the said child was left by the victim in the hospital itself. He also invited my attention towards the WhatsApp chat from which it reveals that there was a love affair between the victim and the present applicant. He submitted that the history narrated before the Medical Officer also substantiated the said contention. Thus, it is a consensual act. The statement of the victim shows that the victim was aware that the present applicant was married, in spite of that she had relations with him. So knowingly, she had relations with the present applicant and the FIR was lodged after five years of the incident. Now, the investigation is completed and charge-sheet is filed, further custodial interrogation of the present is not required. As the further incarceration is not required, applicant be released on bail.

4. Learned APP strongly opposed the said application on the ground that considering the serious allegation against the present applicant and the mobile verification panchnama shows that the applicant has sold out the child of the victim to somebody else. In view of that, the application deserves to be rejected.

5. Having heard the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. From the investigation papers, it reveals that out of a love affair, there was a physical relationship between the applicant and the victim. The victim has also delivered a child. As far as the contention of the learned APP that from the mobile verification panchnama it reveals that the applicant has sold out the child to somebody else is not substantiated by the investigation papers. As the investigation papers show that after giving birth to the child somebody has left the child in the hospital. The hospital has handed over the said child to Child Welfare Committee (CWC) and thereafter, the child was given in adoption. During the investigation, the Investigating Officer has investigated and it revealed that the child with the CWC and then it was given in adoption. The statement of one Iqbal Majid Turak also falsifies the said contention as he stated that he came to know that one child was found in a hospital and therefore, he went to the hospital to take the child in adoption. In this way, the child came into his

custody. Thus, considering the entire investigation papers, it is clear that the relationship between the present applicant and the victim was consensual in nature. Now the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant **Ashish Ghanshyam Laddhad** be released on bail in connection with Crime No.190/2023 registered with Police Station Ajani Nagpur for the offences punishable under Sections 376(2)(n), 384, 294, 506(b) and 504 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.
- (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)