



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

CRIMINAL APPLICATION (BA) NO.200 OF 2024

(Ravi Narendra Yede @ Om Narendra Yede Vs. The State of Maharashtra thr. PSO PS
Beltarodi, Nagpur)

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

Court's or Judge's orders.

Mr. O. L. Gupta, Advocate for Applicant.
Ms. S. V. Kolhe, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 3rd APRIL, 2024.

Heard.

2. The applicant came to be arrested on 03.01.2024 in connection with Crime No.765/2023 registered for the offence punishable under Section 376 (2)(n) of the Indian Penal Code.

3. The accusation against the present applicant is on the basis of report lodged by victim girl on an allegation that she got acquainted to the present applicant in the year 2020 and thereafter she used to meet him at various places. As per the allegation in 2022 the applicant has called her to meet him and took her in the Prakash Hotel and subjected her for sexual assault. Thereafter there was repeated sexual assault on her due to which she was pregnant and she delivered a child. Subsequently, the applicant started avoiding her and therefore, she narrated the incident to her

family members. On the basis of said report police have registered the crime against the present applicant.

4. It is submitted by the learned counsel for the applicant that there was love affair between the victim and the present applicant out of which there was a physical relationship. Thus, the consensual relationship was between the applicant and the victim, as far as the age of the victim is concerned which was at the time of lodging of FIR 20 years. Thus, the consensual act was there and now investigation is completed and further incarceration of the applicant is not required.

5. The learned APP strongly opposed the said application on the ground that the victim was minor at the time of the first incident. Though investigation is completed but there is possibility of tampering of the witnesses. In view of that, the application deserves to be rejected.

6. Having heard the learned counsel for the applicant and the learned APP for the State, perused the investigation papers from which it reveals that the victim got acquaintance with the present applicant, thereafter they stated to meet each other and there was a physical relationship between them. From her statement it reveals that there was a love affair between her and the applicant and out of that the physical relationship was developed between them. Now investigation is already completed charge-sheet is about to be filed. Thus, further incarceration

of the present applicant is not required, victim has also delivered a child and the Investigating Agency has obtained the sample of DNA examination. Thus considering the entire investigation papers it reveals that the applicant who is aged about 19 years and the victim fall in love and out of the physical attraction there was a physical relationship between them which resulted into the pregnancy of the victim. Considering the circumstances under which the alleged act was committed, the application deserves to be allowed. Accordingly, I proceed to pass following order:

- i) The applicant – Ravi Narendra Yede shall be released on bail in connection with Crime No.765/2023 registered for the offence punishable under Section 376(2) (n) of the IPC on executing P.R. bond in the sum of Rs.25,000/- with one surety of like amount.
- ii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- iii) The applicant shall attend the dates of proceedings before the Trial Court without seeking any exemption unless there are exceptional circumstances.

7 The application is disposed of.

JUDGE

NSN