



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

CRIMINAL APPLICATION (ABA) NO. 298 OF 2024

Navnath Dyandeo Chiliwant and others V/s State of Maharashtra and another

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

Court's or Judge's Order

Mr. Aney Mohog, counsel h/f Mr. V.B. Bhise, counsel for applicants.
Ms. T.Udeshi, APP for non-applicant/State.
Mr. N.D. Dawda, counsel (appointed) for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/06/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No.218/2024 registered with Police Station Borgaon Manju, District Akola for the offence punishable under Sections 376, 376(2)(h), 376(2)(n) read with Section 34 of the Indian Penal Code, the applicants approached to this Court for grant of anticipatory bail

2. Applicant Nos.1 and 2 are the parents and the applicant No.3 is the sister of the co-accused. As per the allegation, the informant who is a married lady who was subjected for sexual assault by the co-accused on the promise of marriage and she was pregnant of 3 months. As far as the present applicants is concerned, they have abetted the co-accused to commit the said offence, and therefore, they have implicated in the alleged offence.

3. Learned counsel for the applicants submitted that as far as the recitals of the FIR is concerned, mere statement,

the present applicants have abetted the co-accused to commit the offence is not sufficient, there should be something on record to show that the manner in which they have abated the co-accused. As far as their custodial interrogation is concerned, which is not required, they have already co-operated with the investigating agency. In view of that, interim protection granted to the present applicants deserves to be confirmed.

4. Learned APP and learned appointed counsel for the non-applicant No.2/Victim strongly opposed the said application on the ground that considering the gravity of the offence, custodial interrogation is required.

5. After hearing learned counsel for the applicants, learned APP for the non-applicant/State and learned appointed counsel for the non-applicant No.2/Victim, perusal of the FIR and investigation papers. On perusal of the investigation papers, it reveals that except for bare statement, the present applicants instigated the other co-accused, there is no allegation in the FIR therefore, custodial interrogation of the present applicants is not required. In view of that, the interim protection granted to the present applicants deserves to be confirmed. Accordingly, I proceed to pass the following order:

ORDER

- a] The criminal application is allowed.
- b] In the event of arrest, in connection with Crime No. 218/2024 registered with Police Station Borgaon

Manju, District Akola for the offence punishable under Sections 376, 376(2)(h), 376(2)(n) read with Section 34 of the Indian Penal Code, the applicants – (1) **Navnath Dyandeo Chiliwant** (2) **Sau. Pushpa Navnath Chiliwant** and (3) **Ku. Komal Navnath Chiliwant**, are released on anticipatory bail, on executing P.R. Bond of Rs. 25,000/- each with one solvent surety in the like amount.

- c] The applicants shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- d] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- e] The fees of the appointed counsel be quantified as per Rule.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]