



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

CRIMINAL APPLICATION (ABA) NO.341 OF 2024

(Vicky s/o Ramchandra Dandekar Vs. 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. C.D. Rohankar, Advocate for the applicant.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- AUGUST 5, 2024

Apprehending the arrest at the hands of police in connection with Crime No.221/2024, registered with Police Station Hingana, District Nagpur for the offences punishable under Sections 376 and 506 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The allegation against the present applicant is on the basis of report lodged by the victim who is a grown up girl of aged about 23 years on an allegation that her marriage was fixed with the present applicant and after the ring ceremony during the span of marriage they had physical relationship. It is alleged by the victim that she was subjected for forceful sexual assault by the applicant. On the basis of said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that it was a consensual act as the marriage was already settled between them. Now, the investigation is completed

and charge-sheet is filed. As far as the custodial interrogation is concerned which is not required as investigation is already completed.

4. Learned APP strongly opposed the said application and submitted that considering that after settlement of the marriage, the applicant has taken the victim girl along with him and subjected her for sexual assault. His custodial interrogation is required. In view of that, the application deserves to be rejected.

5. Considering the fact that there was a settlement of marriage and the ring ceremony was also performed between them. During the span between the ring ceremony and the marriage, there was a physical relationship between them which appears to be consensual one. As far as custodial interrogation which is not required as now the investigation is completed and charge-sheet is filed. In view of that, the interim protection granted to the applicant deserves to be confirmed.

6. Hence, the application is allowed. The interim protection granted to the applicant vide order dated 17/05/2024 is hereby confirmed on the same terms and conditions.

7. The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

8. The application is disposed of.
9. The observations are *prima facie* in nature only for the purpose of bail.

(URMILA JOSHI-PHALKE, J.)

**Divya*