



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

CRIMINAL APPLICATION (ABA) NO.380 OF 2024
(Shubham s/o Chandeshwar Gonnade 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. K. Anandani, Advocate for the applicant.
Mr. D.V. Chauhan, Public Prosecutor for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 21, 2024.

By preferring this application, the applicant is seeking pre-arrest bail in connection with Crime No.225/2024 registered with Police Station Yashodhara Nagar, Nagpur, District Nagpur for the offence punishable under Sections 376(2)(n) of the Indian Penal Code.

2. Learned Counsel for the applicant submitted that as per the allegation, the engagement ceremony was performed to perform the marriage of the victim with the present applicant. It is alleged that on the day of incident when there were relatives in the house and the applicant and the victim were sleeping in the hall, the applicant has attempted to abuse her sexually and on the next day he subjected her for sexual assault. On the basis of said report police have registered the crime against the present applicant. He submitted that as far as the entire story narrated by the victim is concerned appears to be false and fabricated one. He submitted that initially there was an engagement ceremony performed thereafter there was

some dispute between the parties on account of matrimonial rituals, and therefore, the family members of the present applicant decided to break the relationship, and therefore, this FIR came to be lodged. He submitted that as far as the allegations are concerned absolutely concocted and after thought. As far as the custodial interrogation is concerned which is not required and in view of that, the applicant can be protected by granting anticipatory bail.

3. Learned Public Prosecutor strongly opposed the application on the ground that the statement of the of the victim and the medical examination papers sufficiently shows that the victim was subjected for sexual assault. Considering the gravity of the offence, the application deserves to be rejected.

4. I have heard learned Counsel for both the parties. Perused the recitals of the FIR and various statements of the witnesses. As far as the story narrated by the victim is concerned which shows that the applicant has subjected her for sexual assault after the engagement ceremony was over. The other statements are also perused from which it reveals that there was some dispute arose between the family members of the victim and the present applicant regarding the rituals which are to be carried out in the marriage and they have decided to break the said matrimonial relationship which was going to be developed in future and therefore, this FIR appears to be lodged. At

this stage, it would not be appropriate to comment whether the allegations are true or false but considering the circumstances under which the FIR is lodged and considering the fact that the custodial interrogation of the present applicant is not required, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant – Shubham s/o Chandeshwar Gonnade in connection with Crime No.225/2024 registered with Police Station Yashodhara Nagar, Nagpur, District Nagpur for the offence punishable under Sections 376(2)(n) of the Indian Penal Code, be released on anticipatory bail on executing a PR.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.
- (iii) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 a.m. and 1.00 p.m., till filing of the charge-sheet and shall cooperate with the investigating agency.
- (iv) The applicant shall make himself available for the medical examination and shall cooperate for the said medical examination.

(v) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

5. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*