



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

CRIMINAL APPLICATION (BA) NO. 743 OF 2024

Raghavendra @ Raj s/o Radheshyam Yadav 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. A.S. Mardikar, Senior Counsel with Mr. D.P. Singh, counsel for the applicant.
Mr. A.G. Gohokar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/08/2024.

1. The applicant came to be arrested on 13/02/2024, in connection with Crime No. 80/2024 registered with Police Station Gittikhadan, Tah. and District Nagpur for the offence punishable under Section 307 of the Indian Penal Code, 1860.

2. As per the allegation in the report, the informant came in contact with the applicant through Instagram, and there were love relations between them from the year 2020 to 2023. The applicant got married with some other girl in the year 2021. Since then, there has been a dispute between the victim and the present applicant. It was alleged that on 23/11/2023, the applicant established sexual relations with the victim and then cheated her. She lodged the report, on the basis of which crime No. 1152/2023 was registered at MIDC Police Station under Section 376(2)(n), 313, 323 of the Indian Penal Code, 1860. Thereafter, the applicant approached the Sessions Court for grant of bail, and he was released on bail by the Sessions Court.

3. It is further alleged that during the pendency of the investigation, i.e. on the day of the incident, when the victim had been to the Hanuman Temple on 12/02/2024, the present applicant was also present in the said Hanuman Temple. Thereafter, she left the Hanuman Temple, and the applicant followed her in his car and dashed her two-wheeler vehicle, due to which she sustained injuries. Thus, she alleged that the applicant has attempted to eliminate her on giving dash. On the basis of said report, police have registered the crime against the present applicant.

4. Learned Senior Counsel has pointed out from the medical certificate that she has sustained a simple injury, though the medical certificate shows that she was referred to the medical examination by the orthopedic surgeon. However, the report of the orthopedic surgeon is not on record to show that either she has sustained any fracture injury due to the said dash of the vehicle of the present applicant. He submitted that it is mere an accident, and unfortunately the applicant is dashed the two-wheeler of the victim, and by taking disadvantage of the said fact, this false report is lodged against the present applicant. He submitted that even accepting the prosecution case as it is, further incarceration of the present applicant is not required, as the investigation is already completed and charge-sheet is already filed.

5. Learned APP strongly opposed the said application and submitted that it was an attempt to eliminate the

deceased as she has filed the complaint against the present applicant. Thus, considering the circumstances under which the alleged incident has taken place, which is substantiated by the CCTV footage, in view of that, the application deserves to be rejected.

6. After hearing learned Senior Counsel for the applicant and learned APP for the State, perused the entire investigation papers as well as the statements of various witnesses and CCTV footage, from which it reveals that due to the dash of the vehicle of the present applicant to the vehicle of the victim, she has sustained injuries. The medical report shows that injury is simple in nature, though she was referred to the Higher Center but the report of the Higher Center is not on record. Considering the apprehension raised by the learned APP, this application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order;

- a] The criminal application is allowed.
- b] The applicant- Raghavendra @ Raj s/o Radheshyam Yadav, shall be released on bail, in connection with Crime No. 80/2024 registered with Police Station Gittikhadan, Tah. and District Nagpur for the offence punishable under Section 307 of the Indian Penal Code, 1860, on executing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

- c] The applicant shall not enter into the vicinity of Nirmal Nagar within the jurisdiction of Mankapur Police Station, Nagpur.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- e] If the applicant is found to be in contact with the victim, the bail granted to the applicant deserves to be cancelled.
- f] The applicant shall attend proceedings before the trial court without seeking any exemption unless there are exceptional circumstances.

The criminal application stands **disposed of**.

[URMILA JOSHI-PHALKE, J.]