



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

CRIMINAL APPLICATION (BA) NO. 990 OF 2024

Saurav Gautam Gudadhe Vs 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. B.K.Suchak, counsel h/f Mr. S.G. Sharma, counsel for applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 13/11/2024.

1. The applicant came to be arrested in connection with Crime No. 426/2024 registered with Police Station Akot Fail for the offence punishable under Sections 64, 2(M), 351(2)(3)(5) of Bhartiya Nayay Sanhita.

2. Heard learned counsel for the applicant, who submitted that the crime is registered on the basis of a report lodged by the victim, on an allegation that the co-accused, Gaurav, is residing near the house and who expressed his feelings to her, and on the promise of marriage, he has subjected her for sexual assault. As far as the present applicant is concerned, it is alleged that the present applicant has recorded the incident of the sexual assault and also threatened her that he would make it viral. On the basis of said report, police have registered the crime against the present applicant.

3. During the investigation, the investigation officer has recorded the statements of various witnesses, including

the victim, and the investigating officer has submitted a B-summary report, as the victim approached the police as well as before the Court to file an affidavit, as she is having love affair with the co-accused, and out of misunderstanding this FIR is lodged. Now the co-accused and victim have decided to perform the marriage, therefore the victim do not want to prosecute the complaint anymore against the present applicant. The said B-Summary report is yet to be accepted by the Court. He submitted that considering the statement of the victim before the police, and the allegation is not substantiated by any material to show that the present applicant has obtained the videograph of the said incident, the applicant be released on bail.

4. Learned APP submitted that the B-summary report, though filed, but it is yet to be accepted by the concerned court. In view of that, the application deserves to be rejected.

5. After hearing both sides, investigation papers and the statement of the victim, as well as the subsequent statement of the victim along with her affidavit. On the basis of which, the investigating officer has submitted the B-summary report. Admittedly, the investigation is already completed, and on the basis of the investigation, the B-summary report is filed. Further incarceration of the present applicant is not required, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The criminal application is allowed.
- b] The applicant -Saurav Gautam Gudadhe, shall be released on bail, in connection with Crime No. 426/2024 registered with Police Station Akot Fail for the offence punishable under Sections 64, 2(M), 351(2)(3)(5) of Bhartiya Nayay Sanhita, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]