



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

CRIMINAL APPLICATION (BA) NO.140 OF 2025

Ewanlal @ Awan Shyamuram Sonboir
Vs.

State of Maharashtra, through Police Station Officer, Pardi Police Station,
District Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. G. Hunge, Counsel for the applicant.
Ms. H. N. Prabhu, APP for the non-applicant No.1/State.
Mr. R. R. Maddalwar, appointed Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/03/2025

1. The applicant came to be arrested on 26.12.2024 in connection with Crime No.634/2024 registered with Police Station, Pardi, Nagpur for the offences punishable under Sections 376, 376(2)(n), 418, 506 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by the victim aged about 44 years on an allegation that she got acquaintance with the present applicant through Facebook, thereafter there was a communication and physical relationship was developed between them as the applicant has promised her for marriage. It is further alleged that the present applicant has extracted money from her on the promise of marriage.

3. Learned Counsel for the applicant submitted that it is a consensual relationship between the applicant and the victim. As far as the allegation of extraction of money is concerned, except the bare statement, there is no other material to connect the present applicant with the same. In view of that, considering now the investigation is completed, the applicant be released on bail.

4. Learned APP and learned appointed Counsel for the non-applicant No.2 – victim strongly opposed the said application on the ground that under the misconception of the fact that he would marry with her, her consent was obtained and thereafter she was duped by obtaining money as well as gold from her. Thus, considering the nature of the allegation, the application deserves to be rejected.

5. On perusal of the entire investigation papers, it reveals that they both got acquaintance with each other through Facebook, thereafter there was communication between them and physical relationship was developed between them. Considering the allegation, which appears to be of consensual in nature. Whether there was a misconception of fact or not that is a matter of evidence. At this stage, considering now the investigation is completed, further incarceration of the present applicant is not required, the application

deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Ewanlal @ Awan Shyamuram Sonboir** shall be released on bail in connection with Crime No.634/2024 registered with Police Station, Pardi, Nagpur for the offences punishable under Sections 376, 376(2)(n), 418, 506 read with Section 34 of the Indian Penal Code, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.
- (iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (iv) The applicant shall not enter into the jurisdiction of Pardi Police Station, till culmination of the trial.
- (v) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

6. The observations are *prima facie* in nature and the trial Court shall not be influenced by the same.

7. The fees of the appointed Counsel be quantified as per rules.

(4)

28.ba.140.2025

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate