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## FARAD CONTINUATION SHEET IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH: NAGPUR

## CRIMINAL APPLICATION (ABA) NO.925 OF 2017.

## Amit Rajendra Chafale ..vs.. State of Mah. thr. P.S.O., P.S.Ajni, Tq. and Distt.Nagpur.

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

Court's or Judge's orders

Mr.S.G.Joshi,Adv.for the applicant. Mr.T.A.Mirza, A.P.P. for the State.

<u>CORAM</u>: V.M.DESHPANDE, J. <u>DATE</u>: JANUARY 22, 2018.

Heard learned counsel Shri S.G.Joshi for the applicant and Shri T.A.Mirza, learned Additional Public Prosecutor for the State.

The applicant is apprehending his arrest in connection with Crime No.329 of 2017 registered with Police Station Ajni, Nagpur for the offence punishable under Sections 376(2)(n), 109, 313, 417, 507 read with Section 34 of the Indian Penal Code.

The victim is aged about 24 years. Thus, the victim knows what importance should be given to what words and how to act upon those words/promises. Inspite of that, it appears that victim was in physical contact with the present applicant.

Looking to the nature of this type of allegations

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against the present applicant, this Court on 26<sup>th</sup> December, 2017 granted ad interim anticipatory bail in favour of the present applicant on the condition that the applicant shall attend Police Station on 30<sup>th</sup> and 31<sup>st</sup> December, 2017. Accordingly, the applicant has attended the Police Station and joined the investigation.

Learned counsel for the applicant submitted that when he joined investigation he was sent for his medical examination and also his clothes were seized. Inspite of that the learned Additional Public Prosecutor submitted that as per the affidavit medical examination of the applicant is remained to be done and clothes are yet to be seized.

However, on perusal of investigation papers it is clear that when applicant attended Police Station as per directions, his clothes were seized and his medical examination is also done by referring him to doctor Therefore, the affidavit to that extent is not in conformity with record. The Investigating Officer is hereby cautioned that in future if it is noticed that such statements contrary to recored are made, the Court will take serious action against the said Investigating Officer.

Looking to the nature of the accusations made against the present applicant and the fact that the entire investigation is over, in my view, custodial presence of the applicant is not necessary. Consequently, application is allowed. 2201aba925.17 3/3

Applicant – Amit Rajendra Chafale be released on bail, in the event of his arrest, in connection with Crime No.329 of 2017 registered with Police Station Ajni, Nagpur for the offence punishable under Sections 376(2)(n), 109, 313, 417, 507 and 34 of the Indian Penal Code on he executing P.R. Bond of Rs.15000/- with one solvent surety in the like amount.

Application is allowed and disposed of.

**JUDGE** 

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