

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1287 OF 2016

Vikas Bhagwan Gopalghare,
Ag 25 years, Occ. Service in
Indian Army, r/o. Ghulewadi,
Tq. Bhoom, Dist.Osmanabad ..Applicant

Versus

The State of Maharashtra ..Respondent

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Mr.S.S.Tope, advocate i/b. Mr.S.V.Deshmukh,
advocate for applicant

Mr.A.S.Shinde, APP for respondent - State

Mr.A.N.Nagargoje, advocate assisting the APP

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CORAM : M.T. JOSHI, J.

DATE : MARCH 15, 2016

PER COURT :

Heard.

2] Present applicant, who is apprehending arrest
in Crime No.19 of 2016 registered at Vashi Police
Station, Dist. Osmanabad for the offences
punishable under Section 376(2)(f), 354, 306 of

Indian Penal Code, is praying for his release on anticipatory bail.

3] The case papers as well as hearing from both sides would show that the victim of the offence, on 28th January, 2016 at about 6:22 pm. in the evening, had filed the FIR alleging therein that on that day at about 8:30 am. in the morning in the village, present applicant had outraged her modesty and therefore, the crime was registered for the offences punishable under Section 354, 506 of Indian Penal Code.

. Thereafter on 29th January, 2016, the victim made a supplementary statement to the Investigating Officer to the effect that in fact, the present applicant had allegedly forcibly committed rape on her on the previous day. However, as the victim thought that news regarding the rape may be flashed on television, she did not

tell about the same to the police. Therefore, the offence punishable under Section 376(2)(f) of Indian Penal Code was added.

. In the meantime, present applicant was arrested and later on, was released on bail by the Court.

4] In view of addition of the offence punishable under Section 376(2)(f) of Indian Penal Code, an application for anticipatory bail was filed before the learned Addl. Sessions Judge. The said application came to be rejected and therefore, present application for grant of anticipatory bail.

5] While learned A.P.P. points towards the medical examination report of the victim, which would show that she had abrasion to her right wrist and over back, learned counsel for the

applicant points towards the complaint filed against the relatives of the victim on the same day at about 2:00 pm., which would show that on that day, all those relatives had made certain derogatory statements regarding the lady family members of the applicant and have threatened them.

6] Considering all the material on record, finding that present applicant was already arrested and thereafter, was released on regular bail in view of completion of the investigation, and taking into consideration all the facts, in my view, further custodial interrogation of the applicant is not required in the offence.

7] In the result, the ad-interim relief granted by this Court vide order dated 1st March, 2016, is hereby made absolute on the same terms and conditions. Further, in view of the allegations that present applicant had threatened the victim

and/or her family members, it is hereby directed that the applicant shall not enter territorial limits of village Ghulewadi, Tq. Bhoom, Dist. Osmanabad, for a period of one year or till conclusion of the trial, whichever occurs earlier, except without prior permission of the concerned Sessions Court.

8] The application is allowed and disposed of accordingly.

[M.T. JOSHI, J.]

kbp