

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5541 OF 2015

Swati D/o Dharma Patil

Age : 27 years, Occu. : Police Constable,

R/o Mallkapur, Tq. Mallkapur,

Dist. Bhuldhana

.. Applicant

Vs.

1] The State of Maharashtra
Jalgaon City Police Station,
Jalgaon

2] Bhushan S/o Sapadu Koli,
Age : 29 years, Occu.: Service,
R/o Chandrapur, Tq. Chandrapur,
Dist. Chandrapur

.. Respondents

Mr. V.B. Patil, Advocate h/f Mr. Santosh C. Bhosale,
Advocate for the applicant
Mr. U.S. Mote, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 01/04/2016

ORAL ORDER :

Heard.

2. The present applicant is aggrieved by the order dated 14/9/2015 passed by the learned Additional Sessions Judge, Jalgaon, directing to release the respondent no.2 – Bhushan S/o Sapadu Koli, on bail.

3. Submissions of Mr. Patil h/f. Mr. Bhosale, learned counsel for the applicant would show that in the present crime for the offences punishable under section 376(2)(m), 420, 323, 506 r/w. 34 of the Indian Penal Code, the respondent no.2 was not granted anticipatory bail upto the Supreme Court and, thereafter, he was arrested on 27/08/2015. For 2 days, he was committed to the Police custody and, thereafter, he was in Magisterial custody. He was ultimately directed to be released on bail by the Sessions Court on 14/09/2015.

4. Reading of the complaint would show that while the victim is the junior officer, respondent no.2 was the senior officer in the Police department. The complainant would further show that there was emotional blackmailing from the side of the respondent no.2 to have a love affair with him. According to the complainant, in the month of August, 2014 both of them went to a hotel as the booking was made by respondent no.2 and, thereafter, in the hotel room, respondent no.2 committed forcible sexual intercourse with her and, thereafter, the affair continued. She also developed love for the respondent no.2.

5. Considering all the facts on record, the order of the learned Additional Sessions Judge, directing to release respondent no.2 on bail, cannot be called as perverse one, as the investigation was already complete.

6. In the circumstances, the Application is dismissed.

Sd/-

[M.T. JOSHI]
JUDGE

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