

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (ABA) NO.295/2018**

Chandrashekhar s/o Ashokrao Kale ..vs.. State of Maharashtra through PSO  
P.S. Gadge Nagar, Amravati

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

Court's or Judge's orders.

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Mr. N. R. Bhishikar, Advocate for applicant.  
Ms. R. V. Kalia, A.P.P. for non applicant-State.

**CORAM : V.M. DESHPANDE, J.**

**DATED : MAY 4, 2018**

1. This is an application for grant of anticipatory bail. Heard Mr. Bhishikar, learned counsel for the applicant and Ms Kalia, learned A.P.P. for the non applicant-State.

2. Though this case for anticipatory bail is being listed for the first time today, the learned A.P.P. is not only ready with the matter but has also tendered the reply on record. The efforts taken by the learned A.P.P. and the office of the Public Prosecutor in that behalf is appreciated.

3. By this application, the applicant is seeking pre-arrest bail since he is apprehending his arrest in connection with crime no.319/2018 registered with Police Station, Gadge Nagar, Amravati for an offence punishable under Section 376(2)(a), 376 (2)(n) and 506 of the Indian Penal Code.

4. The FIR is lodged by the victim herself. The report is lodged on 08.04.2018 at 23:00 hrs. at Police Station, Gadge Nagar, Amravati. From the oral report, it is

clear that the first informant is a married woman whose marriage is performed in the year 2015 and her husband is working in Raymond Company at M.I.D.C. Nandgaon Peth. As per the FIR, there was matrimonial discord in her house. Therefore, she went to Police Station, Walgaon in the year 2015 to lodge a report against her in-laws. There she met the present applicant who is a police constable. According to the FIR, thereafter the present applicant established contact with the first informant on her cellphone. It is also stated in the FIR that the applicant proposed the first informant and also promised that he will see that she is gainfully employed and thereafter established physical contacts with her. According to the FIR, since last 2 years, there were sexual contacts in between the applicant and the first informant. The FIR further states that by chance she got the knowledge that the applicant is already married and the wife of the applicant called the first informant at her place. There she noticed that the applicant was avoiding her. It is further stated in the FIR that the applicant then extended threats that he will defame her in the society and due to that she used to visit his place and used to sexually exploit her. It is stated in the FIR that on 04.04.2018, applicant came to her house and forcibly committed sexual intercourse with her.

5. From the FIR, it is crystal clear that the first informant is married woman and prima facie it is clear that she was a consenting party, apart from the fact that there is a delay in lodging the FIR inasmuch as per the FIR lastly the applicant had committed sexual intercourse on 04.04.2018

and the FIR is lodged on 08.04.2018 and there is no plausible explanation for lodging the FIR at belated state.

6. The applicant is serving as Police Constable in police department. Thus, there is no possibility that he will not be available for the course of justice. Hence, following order is passed.

**ORDER**

- (i) Criminal Application No.295/2018 is allowed.
- (ii) In the event of arrest in connection with crime no.319/2018 registered with Police Station, Gadge Nagar, Amravati for an offence punishable under Section 376(2)(a), 376 (2)(n) and 506 of the Indian Penal Code, the applicant- Chandrashekhar Ashokrao Kale be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.
- (iii) The applicant shall attend Police Station, Gadge Nagar, Amravati twice a week i.e. on every Tuesday and Wednesday and shall be with the investigating officer from 03.00 p.m. to 05.00 p.m. and shall cooperate with the investigating officer.

The application is disposed of.

**JUDGE**