

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2911 OF 2019

Krishnath Maruti Dhondfode ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Tanaji Mhatugade, Advocate for the Applicant.

Mr. Prashant Jadhav, APP for the State-Respondent.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 6th December, 2019

PC :

1. The applicant is arrested on 6th August, 2018 in connection with C.R. No. 84 of 2018 registered with Murgud Police Station, Taluka Kagal, Dist. Kolhapur for offences punishable under Sections 363, 366, 376(2) (n) 506 r/w Section 34 of Indian Penal Code ("IPC" for short).

2. The complainant has alleged that the complainant is married lady aged about 23 years. It is alleged that, she was married on 11th May, 2016 and having two children. The friends of her husband Krishnath Maruti Dhondfode and Avadhoot Shivaji Dhondfode are frequently visiting the house of the complainant. Krishnath Maruti Dhondfode had expressed love with the complainant. Avadhoot Dhondfode used to accompany him. He had threatened the

complainant that she should fulfill the demand of Krishnath otherwise her husband would be killed. On 1st August, 2018 the husband of the complainant went out. At about 10.00 p.m. Krishnath Dhondfode and Avadhoot Dhondfode visited the house of the complainant and told her that she should accompany Krishnath at 1.00 a.m. otherwise they would kill her husband. Subsequently, her husband returned home at about 12.00 hours. At about 1.00 a.m. applicant came near the window and called the complainant. He threatened her by sickle and told her to sit on motorcycle. They went to the bus stop. The accused Avadhoot Dhondfode met them. Thereafter, the applicant and the complainant proceeded on motorcycle and went to Pune, on 2nd August, 2018. After travelling on motorcycle, they entered into a lodge. The accused had forceful sexual relationship with her. On 3rd August, 2018, they were at the lodge till 7.30 p.m. Thereafter, they went to another lodge. The applicant again had forceful sexual relationship with her. She managed to relieve herself and returned to her village on 4th August, 2018. The FIR was lodged. The applicant was arrested and the co-accused was also arrested. On completing investigation, charge-sheet is filed.

3. Learned counsel for the applicant submitted that the relationship was consensual. The victim had accompanied the

accused on his motorcycle at about 1.00 a.m. in night. They travelled at the distance about 300 kms. They went to two lodges. The applicant is in custody from the date of arrest. The relationship at the most would be consensual.

4. Learned APP submitted that the statement of the owner of the lodge was recorded on 8th August, 2018. He has stated that during the cleaning process of hotel, sickle was recovered from the room where the accused had checked in with the victim. This corroborates the case of the complainant.

5. I have perused the First Information Report, the victim was acquainted with the accused. At about 1.00 a.m. on threats issued by the accused, she accompanied him at a distance of about 300 kms. Both of them had visited two lodges where there was alleged sexual relationship. The statement of Ravindra Vitthal Dhabhade, who is the owner of the lodge, mentioned that sickle was found during the cleanliness of the room which was occupied by the applicant and the victim. The said statement also mentions that the accused and the applicant had checked in the said lodge. The entry was made in the register which was produced by him. It is also stated that the applicant and the victim had tendered the xerox copy of ID proof when they had entered in to the lodge. It is also pertinent to note that the victim and the applicant had also checked into another

lodge. Apparently, it appears that the relationship was consensual nature. The applicant is in custody from the date of arrest. Charge-sheet is already filed. Hence, further detention of the case is not necessary.

6. Hence, I pass the following order :

ORDER

- i) Bail Application No. 2911 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection C.R. No. 84 of 2018 registered with Murgud Police Station, Taluka Kagal, Dist. Kolhapur on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall report concerned police station once in a month on every first Saturday between 10.00 am. to 12.00 pm. till further order.
- iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)