

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 172 OF 2021

Mahesh s/o Kailas Dhakane,
Age : 24 years, Occu. Medical Practitioner,
R/o Mhada Colony, Shivajinagar,
Jalna, Tq. and District Jalna

APPLICANT

VERSUS

The State of Maharashtra,
through Kotwali Police Station,
Ahmednagar, Dist. Ahmednagar

RESPONDENT

Mr. Harshad H. Padalkar, Advocate for the applicant
Mr. S.W. Mundhe, A.P.P. for the respondent/State

CORAM : MANGESH S. PATIL, J.

DATE : 24.02.2021

PER COURT :

Heard.

2. The applicant is apprehending his arrest in connection with Crime No.26 of 2021, registered with Kotwali Police Station, Ahmednagar for the offences punishable under Sections 354-A, 452, 323, 504, 506, 427 of the Indian Penal Code and seeking bail in the event of his arrest.

3. The FIR has been lodged by a Medical Practitioner, aged 25 years, alleging that she got acquainted with the applicant as both were

working in the same hospital. Since he was insisting her for marriage and she was denying it, because of his persistence and perseverance, she had quit her job. She further alleges that in the night of 04.01.2021, he knocked at her door and even while she was shutting the door on his face, he effected forcible entry into the house and molested her. He was also under influence of liquor. He even insisted for having sex with her. He also threatened her of dire consequences if the incident was disclosed to anybody. She also alleges that he also snatched her mobile, removed the SIM cards from it and left the house. The FIR was lodged on 06.01.2021.

4. The learned Advocate for the applicant submits that in fact, there was affectionate relation between the two. A concocted story is put forth by her in view of the fact that he was to get married to some different girl. He is also a Medical Practitioner. He would be put to disrepute if he is allowed to be arrested without assurance of bail. He is ready to cooperate the Investigating Officer. His custodial interrogation is not necessary and the application be allowed.

5. The learned A.P.P. opposes the application.

6. I have carefully gone through the papers, including the order passed by the learned Sessions Judge, rejecting a similar request as is being made in the present application.

7. Though there is some amount of delay in lodging the FIR, at this juncture, there is nothing to disbelieve the version of the prosecutrix about the applicant having forcibly entered into her house and molested her. She has also alleged that he having snatched her mobile, removed the SIM cards therefrom and left the house. Prima facie, the ingredients for constituting the offences being charged can easily be made out. Custodial interrogation of the applicant is highly necessary.

8. The application is rejected.

[MANGESH S. PATIL]
JUDGE

