

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

16 CRIMINAL APPLICATION NO.1249 OF 2021

TATHAGAT BHAGWAN HARNE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Nagarsoge Sahebrao A  
APP for Respondents: Mr. S J Salgare

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CORAM : V.K. JADHAV & SANDIPKUMAR C. MORE, JJ.  
Dated: November 29, 2021

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**PER COURT :-**

1. We have heard the learned counsel for the applicant for some time.
2. The applicant is seeking quashing of the First Information Report bearing Crime No.166 of 2020 registered with Mahur Police Station, Tq. Mahur, District Nanded for the offence punishable under sections 376 (1), 354, 354-A(2), 506 of India Penal Code. During the pendency of this criminal application, charge sheet has been submitted. The applicant/accused is thus seeking quashing of the criminal proceedings by carrying out the amendment in the prayer clause.

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3. Learned counsel for the applicants submits that there is an inordinate delay in lodging the complaint, which is not explained by the respondent no.2/informant. Learned counsel submits that though respondent no.2/informant has stated in her complaint that incident had occurred on 16.10.2020, however, in her supplementary statement, she had stated that the the incident had occurred in between the night of 11.10.2021 and 12.10.2020. Learned counsel submits that the learned Single Judge of this Court by order dated 3.6.2021 in ABA no.491 of 2021 has granted anticipatory bail to the applicant by observing this discrepancy.

4. We have carefully gone through the allegations made in the complaint. It appears that the applicant is cousin of the husband of the informant residing by the side of their house. It appears from the allegations made in the complaint that the applicant had forcibly committed sexual intercourse with respondent no.2 by giving her threats. Though, respondent no.2 has not immediately disclosed the said incident to her husband,

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however, in the evening time she had disclosed the incident to her husband. Furthermore, quarrel had taken place between husband of respondent no.2 and the applicant on account of the said incident and the applicant allegedly come to the house of the informant armed with sickle to kill her husband. It further appears from the allegations made in the complaint that respondent no.2 has thereafter went to her parents house alongwith her two brothers. Thus, respondent no.2 has explained the delay caused in filing the complaint. Furthermore, in her supplementary statement, respondent no.2 has explained that due to mental stress she could not correctly give the date of the incident and she has accordingly corrected the date of incident in her supplementary statement. So far as the observations made in the bail application are concerned, parameters are altogether different. In the instant case, if the allegations are considered as it is, there is a triable case against the applicant. Thus, we are not inclined to entertain this criminal application. Hence, following order.

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**ORDER**

Criminal application is hereby dismissed.

( **SANDIPKUMAR C. MORE, J. )      ( **V.K. JADHAV, J. )****

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