

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

ANTICIPATORY BAIL APPLICATION NO. 705 OF 2021

Shubham S/o. Chandrashekhar Sawant,
Age-24 years, Occu-Service,
R/o. Police Head Quarters, Nanalpeth,
Parbhani, Dist. Parbhani

**...APPLICANT
[ACCUSED]**

VERSUS

The State of Maharashtra
Through Police Station Officer,
Police Station Nanalpeth, Parbhani,
Dist. Parbhani

...RESPONDENT

Mr. A. D. Gade, Advocate for the applicant
Mr. V. S. Badakh, APP for the respondent/State

CORAM : SANDEEP K. SHINDE, J.

DATE : 07-07-2021

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. Heard learned counsel for the applicant and learned
APP for the respondent/State.

2. Applicant is seeking pre-arrest bail in connection with
the Crime No. 0227/2021 registered with Nanalpeth Police Station,
Parbhani under Sections 376(2)(n), 313, 498, 323 and 506 of the
Indian Penal Code. The applicant and the complainant, both are
police personnel. They got acquainted with each other in 2016.
Their friendship blossomed in love. Complainant alleged that on

applicant's promise to marry her, she surrendered herself to the physical desire of the applicant for multiple times. In 2019, the complainant got married with another person; so also the applicant got married with another woman. It may be stated that spouses of applicant and the complainant have initiated the proceedings against both. It may also be noted that the complainant instituted a petition for dissolution of her marriage being HMP No. 99 of 2020. So also, wife of the applicant has launched the prosecution against her husband (applicant herein) and the complainant herein under Section 498-A of the Indian Penal Code.

3. In the backdrop of the aforesaid facts the present crime was registered on 03-05-2021.

4. The facts of the case undoubtedly reveals the relationship between the applicant and complainant was consensual for more than four years. The subject crime was registered in 2021 alleging that the applicant on the pretext marrying her sexually assaulted her on multiple occasions. But, promise turnout to be a false promise. Thus, these allegations are to be appreciated in the backdrop of the fact that the applicant as well as the complainant got married with a persons of their own choice in 2019.

5. In consideration of these facts, in my view the custodial interrogation of the applicant will not further the prosecution case. Even otherwise since the applicant is working in the police force, he

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would therefore available for interrogation.

6. For the reasons stated above, the application is allowed.

7. In the event of arrest of the applicant in Crime No. 0227/2021 registered with Nanalpeth Police Station, Parbhani under Sections 376(2)(n), 313, 498, 323 and 506 of the Indian Penal Code, he shall be released on the bail on executing bond in the sum of Rs.30,000/- [Rupees Thirty thousand] with one or more sureties in the like amount. The applicant shall not influence the prosecution witnesses.

[SANDEEP K. SHINDE, J.]

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