

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

**CRIMINAL APPLICATION (BA) NO.1018 OF 2021**

(Dipak Vinod Rathod Vs. The State of Maharashtra thr. PSO PS Lonar, Tah. Lonar,  
Dist. Buldhana)

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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. S. V. Sirpurkar, Advocate for Applicant.  
Mr. M. K. Pathan, APP for Non-Applicant/State.

**CORAM: ROHIT B. DEO, J.**

**DATE: 12<sup>th</sup> OCTOBER, 2021.**

The applicant is seeking bail in connection with Crime 153/2021 registered with Police Station Lonar, Tah. Lonar, Dist. Buldhana for offences punishable under sections 376, 342, 323, 504, 506 read with 34 of the Indian Penal Code.

2. The crime is registered on the basis of oral report dated 13.06.2021 lodged by Mrs. 'V'. She states that since 2017 she was in a relationship with the applicant. Her family were averse to the relationship and she was married off to one Jagdish in the year 2019. She alleges that within three months of the marriage she was deserted since the applicant disclosed to her husband, the past relationship. It is then alleged that on 03.03.2021 the applicant called Mrs. 'V' to her house assuring marriage. She was initially confined in the house for five days and sexually assaulted. She was threatened that disclosure of the

incident will have serious consequences. It is then alleged that from 09.03.2021, for one and half month, she was confined in a hut at the agricultural field and she was sexually exploited. The other allegation is that on 13.06.2021 she was abused, manhandled and thrown out of the house.

3. I have perused the material in the charge-sheet. *Prima facie*, the version in the report is not consistent with the statement recorded under Section 164 of the Criminal Procedure Code, 1973 (Code). It would not be appropriate to make any positive observation on the credibility of the version, which aspect is in the exclusive domain of the trial Court after the evidence is adduced. However, a case for bail is made out since the possibility that there was a consensual relationship which has gone sour, cannot be excluded.

4. The investigation is complete, the charge-sheet is filed, the applicant does not have adverse antecedent and is not a flight risk.

5. The application is allowed.

6. The applicant shall be released on bail on executing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand) with a solvent surety of like amount.

7. The applicant shall not make any attempt to tamper with the evidence or to influence witnesses, directly

or indirectly.

8. The applicant shall not leave the country without the permission of the trial Court.

**JUDGE**

NSN