

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

BAIL APPLICATION NO.451 OF 2022

Gopal s/o Madhavrao Kadam ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. A. D. Khot, Advocate holding for Mr. P. D. Bachate, Advocate for applicant

Mrs. D. S. Jape, APP for respondent

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CORAM : R. G. AVACHAT, J.

DATED : 23rd MARCH, 2022

ORDER :-

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0032/2022, registered at Gangakhed Police Station, District Parbhani for the offence punishable under Section 376(2)(N), 323, 506 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and the documents relied on.

The FIR has been lodged on 29.01.2022 by a 25 years old lady. She is the resident of Pune. It has been alleged in the FIR that she got acquainted with the applicant on Instagram. The acquaintance developed into emotional relationship. There was interaction between the two through video calls. The applicant called the informant to Aurangabad to meet him. He kept her at his sister's residence for seven days. Promised to marry her. The applicant is alleged to have sexual intercourse many a time against the informant's wish and without her consent. In November-2021, he brought the informant to Parbhani under the pretext of giving her a lead role of an actress in Marathi film. That time also, he had sexual intercourse with her against her wish. In November 2021, he told the informant that his marriage was fixed. The informant therefore approached her friend Dr. Divyatai Patil and Abhijit Pawar. Both of them told the applicant that he will have to marry the informant. Thereafter, he started avoiding to receive their phone calls. Again in January 2022, the applicant called the informant to his house. He was alone home. He had sexual intercourse with her there. Her consent for such intercourse was obtained under the threat of making her photos and videos viral. She stayed over a night at the

house of the applicant. His parents were at home that time. On the next day, the informant took up the subject of her marriage with him. He thereupon assaulted her and gave threats to her life. The informant, therefore, lodged the FIR.

3. The learned APP would submit that the applicant has sexually exploited the informant with false promise of marriage. On occasions, he obtained her consent for sexual intercourse under coercion. Investigation is not yet complete. She, therefore, urged for rejection of the application.

4. The applicant is 22 years of age. The informant is of 25 years. Both of them got acquainted with each other on Instagram. The acquaintance developed into love affair. From the allegations of the FIR, it appears that there was sexual intercourse between the two many a time. The consent therefor is said to have been obtained either under false promise of marriage or coercion. The FIR has been lodged five (5) days after the last such incident. The applicant has been behind the bars since 14.02.2022. Considering the age of the applicant and the nature of allegations in the FIR, the application is allowed in terms of following order:

ORDER

- (i) The bail application is allowed.
- (ii) The applicant shall be released on bail in connection with Crime No.0032/2022, registered at Gangakhed Police Station, District Parbhani for the offence punishable under Section 376(2)(N), 323, 506 of the Indian Penal Code on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

SMS