

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.358 OF 2022

SHUBHAM DILIP BAGUL
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Joydeep Chatterji, Advocate for applicant.
Mrs. Vaishali Patil Jadhav, APP for the respondent – State.
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 06.04.2022

ORDER :-

. The applicant is apprehending his arrest in connection with Crime No.25 of 2021 registered with Chalisgaon City Police Station, Dist. Jalgaon for the offences punishable under Sections 376, 366, 506 of Indian Penal Code.

2. Heard learned Advocate Mr. Joydeep Chatterji for the applicant and learned APP Mrs. Vaishali Patil Jadhav for the respondent – State. In order to cut short, it can be seen that both of them have made submissions in support of their respective contentions.

3. Perusal of the FIR would show that the informant is a married lady of 25 years and she was acquainted with the applicant even prior to

the marriage. She was in love with the present applicant, however, since she got married in 2016, she states that she severed her relations with the applicant. But then it is stated that she received a phone call on 28.12.2021 from unknown number, when she had gone to Chalisgaon for bridal makeup order and the said phone turned out to be that of present applicant. It is stated that he called her out of the wedding venue and accordingly, she went. She then states that the applicant told her to sit on the motorcycle and though she refused, she states that she was forcibly made to sit on the motorcycle by the applicant. Threat was given by the applicant that he would tell about their relations prior to the marriage to her husband. She then states that the applicant took her to Aurangabad in a lodge, where they stayed overnight. Informant – prosecutrix states that she was raped by the applicant there and he had taken the photographs and thereafter, gave threat to defame her. She was left at 8.30 a.m. on the next day again to Chalisgaon and the threat was given about not to disclose. She had not disclosed anything to anybody, but after she was asked by her parents, brother, uncle etc., she told them about the incident.

4. Contents of the FIR appear to be of a case of consensual nature. She can be said to have every knowledge about the acts, but she had not resisted the applicant at any point of time. The custodial interrogation

of the applicant appears to be not required. Another fact to be noted is that in her statement under Section 164 of the Code of Criminal Procedure, the informant has stated that she has no complaint to make against the applicant. Under such circumstance, the applicant deserves anticipatory bail. Hence, the following order :-

ORDER

- I) Application is hereby allowed.
- II) In the event of arrest of applicant – Shubham Dilip Bagul in connection with Crime No.25 of 2022 registered with Chalisgaon City Police Station, Dist. Jalgaon for the offences punishable under Sections 376, 366, 506 of Indian Penal Code, he be released on P. R. Bond of Rs.30,000/- with two sureties of Rs.15,000/- each.
- III) The applicant shall remain present before the Investigating Officer on every Monday between 10.00 a.m. to 2.00 p.m. till 01.06.2022 and cooperate with the investigation.
- IV) He shall not tamper with the evidence of the prosecution, in any manner.
- V) He shall not indulge in any criminal activity.

[SMT. VIBHA KANKANWADI, J.]