

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

BAIL APPLICATION NO. 543 OF 2022

Vikas Ankush Dhole	... Applicant
Versus	
The State of Maharashtra	... Respondent
....	
Mr. Rahul R. Karpe, Advocate for applicant	
Mr. S. P. Sonpawale, APP for respondent	
....	

CORAM : R. G. AVACHAT, J.

DATED : 13th JULY, 2022

PER COURT :-

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.0520/2021, registered with Jamkhed Police Station, District Ahmednagar, for the offences punishable under Sections 376(2)(h), 504, 506, 452, 342 of the Indian Penal Code.

2. Heard.

Perused the First Information Report (FIR) and the related police papers.

The learned Advocate for the applicant would submit that there is four days delay in lodging the FIR from the last alleged incident. According to him, it appears to be a case of consensual relationship. He adverted this Court's attention to the statement of witness Anjali. He, therefore, urged for grant of application.

3. Learned APP would, on the other hand submit that the victim was pregnant of six months. The applicant allegedly got the video of his sexual act with the victim and threatened her to make it viral if she discloses the same. According to him, since the offence being serious one, the application be rejected.

4. Considered the submissions advanced. Perused the FIR. It has been lodged on 12.12.2021. The first sexual assault is said to be on 09.11.2021, while the last one is on 30.11.2021. As such, there is delay of 12 days in lodging the FIR. Since the victim being a married woman, her medical examination report may not be favorable for the prosecution.

5. On completion of the investigation, the charge-sheet has been filed. Considering the 12 days delay in lodging of the FIR and

the fact that, it will take time for conclusion of the trial. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant shall be released on bail in connection with Crime No.0520/2021, registered with Jamkhed Police Station, District Ahmednagar, for the offences punishable under Sections 376(2)(h), 504, 506, 452, 342 of the Indian Penal Code, on his executing P R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond in the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

SMS