

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

ANTICIPATORY BAIL APPLICATION NO.528 OF 2022

KIRAN BABAN KOLPE  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Advocate for Applicant : Mr. Narayan B. Narwade  
APP for Respondent/State : Mr. A. A. Jagatkar  
...

CORAM : S. G. MEHARE, J.

DATE : 05-07-2022

PER COURT :-

1. Heard learned Counsel for the applicant and the learned A.P.P. for the State.

2. The case has chequered history since 2006. The allegations in the FIR reveal that the complainant came in contact with the applicant in the year 2006 and thereafter they got married in the year 2007. They were living at different places as husband and wife. The complainant learnt about some matter against the applicant in the year 2020. She felt that the applicant was avoiding her. Thereafter, she made inquiry with the applicant and he disclosed that he got married, hence, the complainant felt that her life is spoiled. Since 2007 till lodging the report, she never made complaint about snapping her naked photographs and forceful sex with her.

3. Learned Counsel for the applicant pointed out that in the month of May 2021, the applicant agreed to pay maintenance of Rs.10,000/- per month to the complainant, However, due to some reasons, he could not pay maintenance regularly. Therefore, the complainant has lodged the false report.

4. In the set of facts as discussed above, the prosecution has no solid reason to have custodial interrogation of the applicant. The material placed on record shows that they were living as husband and wife. Thereafter, they had a matrimonial discord they themselves have solved their dispute. The memorandum of understanding executed in May 2021. The applicant has accepted the liability to maintain the complainant. Considering the length of their living together and allegations against the applicant, this Court is of the view that it would be fruitless to have a custodial interrogation of the applicant. Therefore, application deserves to be allowed.

5. Hence, the following order -

- i) The application is allowed and the interim order is confirmed.
- ii) In the event of arrest, the applicant Kiran Baban Kolpe be released on bail on furnishing PB and SB of Rs.25,000/- (Rs. Twenty Five Thousand) with one

solvent surety of like amount, in Crime No. 0183 of 2022, registered with M.I.D.C. Police Station, Ahmednagar, for the offence punishable under Section 376(2)(n), 420, 494 read with Section 34 of the Indian Penal Code; on the condition that, the applicant shall appear before the Investigating Officer as and when called on written notice.

- iii) Bail be furnished before the trial Court.

**( S. G. MEHARE )**  
**JUDGE**

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