

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

**923 ANTICIPATORY BAIL APPLICATION NO.931 OF 2022**

AKSHAY DILIP SATHE  
VERSUS  
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Thombre S. S.  
APP for Respondent-State : Mr. K. S. Patil.  
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**CORAM : S. G. MEHARE, J.**  
**DATE : 23.08.2022**

**PER COURT :-**

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. It has been alleged against the applicant that he had an affair with the complainant. Both of them did sex going to various places. However, the allegations have been levelled against him that he did a sex forcefully with her and their sexual activities have been recorded in mobile handset. Since there was a video shooting, she did not lodge the report under the fear of defamation. She was engaged with another boy. But the applicant gave him a false information. Therefore, she could not marry him.

3. The learned counsel for the applicant would submit that it was a consensual relation. The victim was 22 years old. No question to have a mobile shooting and there is absolutely no evidence, but only to make the offence serious, the false allegations have been levelled against him. The applicant had a break up and they had no relation with each other. He never gave information to her fiancé. Nothing is to be recovered from the applicant.

4. Learned APP has strongly opposed the application. He would submit that the mobile handset is required to be recovered. The applicant under the false pretext to marry her, did sex with her and i.e. a serious offence. The applicant is an influential person. Therefore, he may be tamper with the prosecution witnesses. The offence is grave and serious. Therefore, he is not entitled for the anticipatory bail.

5. Perused the application. It is undisputed that the victim is major. She had affair with the applicant. She never complained against the applicant till lodging the present report. The FIR further reveals that the complainant was pretending to marry with other boy but that marriage could not be performed. It appears that it was a consensual relation for a longer period. If the applicant had an intention to do the

forceful sex with her, he would not allow her to marry. Be that as it may, the prosecution has no case for the custodial interrogation. Hence, the following order :

**ORDER**

- (i) The application is allowed.
- (ii) The interim protection granted to the applicant by the order dated 26.07.2022 stands confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

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vmk/-