

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

BAIL APPLICATION NO.1046 OF 2022

Amol s/o Ashok Mantri

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. N.S. Ghanekar, Advocate for applicant
Mr. A.V. Deshmukh, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 3rd AUGUST, 2022.

PER COURT :

Heard. 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.0126/2022, registered at Osmanabad City Police Station, Osmanabad for the offence punishable under Sections 376, 376(2)(N), 324, 504, 506 of the Indian Penal Code.

2. The First Information Report (F.I.R.) has been lodged by the victim herself on 17/5/2022. The gist of the allegations in the F.I.R. is that, the applicant runs a sari shop. The informant was serving as one of the Saleswoman with the applicant's shop. It is alleged that, the applicant, taking

advantage of master-servant relationship, established physical relationship with the informant against her wish and without her consent. He had thus sexually exploited her many a times. After having gathered courage, the informant lodged the F.I.R.

3. The learned counsel for the applicant would submit that, the informant was removed from service in September 2021 since she was found to have had stolen 17 saris. She has acknowledged in writing that there were 17 saris missing from the stock. There is also evidence to show the informant to have taken Rs.1,00,000/- as advance in the year 2018. According to the learned counsel, the relationship was there since 2017 up to September 2021. The F.I.R. has been lodged long after the relationship was discontinued. He meant to say that, it was a consensual relationship. He, therefore, urged for grant of bail to the applicant.

4. The learned A.P.P. would, on the other hand, urge for rejection of the application since it being a serious offence.

5. Considered the submissions. Perused the F.I.R. and the related papers. It appears from the police papers that, it was a consensual relationship. The F.I.R. has been lodged long after last sexual assault. On investigation, charge

sheet has been filed. It will take time for commencement and conclusion of the trial. In view of the above, I am inclined to grant bail to the applicant. Hence the order :

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0126/2022, registered at Osmanabad City Police Station, Osmanabad for the offence punishable under Sections 376, 376(2)(N), 324, 504, 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 in the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

**(R. G. AVACHAT)
JUDGE**

fmp/-