

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.948 OF 2022

VIVEK @ VIVEKANAND RAMESH VALVI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Pramod Babanrao Gapat a/w.
Mr. P. R. Katneshwarkar
APP for Respondent : Ms. V. S. Choudhari
...

CORAM : S. G. MEHARE, J.

DATE : 11-08-2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent/State.
2. The allegation in the first information report reveals that the victim and the applicant are close relatives and they were working at the same place. It has been alleged against the applicant that, the applicant was going close to her. In the month of March 2022 when nobody was in the home, the applicant entered the home in night at 11.00 p.m. and committed forceful sex with her. Since the applicant threatened her that if she would disclose the incident to anybody else he would kill her husband and children. The applicant took disadvantage of silence of the informant and did forceful sex from time to time at various places in her home, in field or some time in the room of the school.

3. The learned counsel for the applicant would submit that the applicant has a specific case that the husband of the victim was not ready for partition. He was alleging that he got the less share in the ancestral property. Therefore, the family meeting was called and misunderstanding of her husband was cleared. Since her husband was not satisfied, the false allegations against the applicant have been levelled. He never did sex with her. However, her silence speaks much. The custodial interrogation of the applicant is not required. The allegation does not inspire the confidence. Therefore, the application may be allowed.

4. Learned APP has vehemently argued that the victim has stated the same incidents in her statement under Section 164 of the Code of Criminal Procedure. The atrocity is committed upon the victim. The defence of the applicant is improbable. The offence being serious, the applicant is not be entitled to anticipatory bail.

5. Perused the papers and the application. The serious allegations of repeated sexual assault have been levelled against the applicant. The report reveals that the applicant was doing sex with her even in her house and in the field. The victim had an opportunity to shout and call for help. In a school, there were students and staff. There appears substance in the arguments of the learned counsel for the applicant that the allegations do not

inspire the confidence, but it may be a report at the instance of the husband of the victim. Besides this, there is nothing to be recovered from the applicant. Hence, the application deserves to be allowed. Hence, the order :-

- i) The application is allowed.
- ii) In the event of arrest, applicant Vivek @ Vivekanand Ramesh Valvi be released on bail, on furnishing PB and SB of Rs.20,000/- with one solvent surety of like amount, in C.R. No. 222 of 2022 registered with Police Station Visarwadi, Taluka Navapur, District Nandurbar, for the offence punishable under Sections 376, 354, 504 and 506 of the Indian Penal Code; on condition to attend the police station as and when called by the Investigating Officer on written notice.

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

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