

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

BAIL APPLICATION NO.1293 OF 2022

Ubed s/o Mansur Patel

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. K.N. Shermale, Advocate for applicant
Mr. R.B. Bagul, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 30th AUGUST, 2022.

ORDER :

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.0236/2022, registered at Sangamner City Police Station, District Ahmednagar for the offence punishable under Sections 376(2) (n), 323, 504, 506 of the Indian Penal Code (Sessions Case No.72/2022).

2. The First Information Report (F.I.R.) has been lodged by the victim herself on 31/3/2022. It is her case that, she runs a pharmaceutical shop at Rajapur. She is residing at Ghulewadi, Sangamner. The applicant had been to

her shop for purchase of some medicines in October 2020. Since some of the medicines were not readily available in the shop, he took the informant's cell phone number under the pretext to contact her to enquire about availability of required medicines. Since that day onwards, the applicant started sending her Whatsapp messages. Acquaintance between the two developed. Once he requested her to meet alone. She, therefore, met him at Pharmacy College by 7.00 p.m. on 10/4/2021. The applicant had come there in a car. He took the victim to a secluded place and committed rape of her in the vehicle itself. Similar incident occurred again in February 2022. The applicant is alleged to have snapped the informant's nude photographs and a video clip. He started sexually exploiting her with a threat to make the photographs and video clip viral. He also made the informant pay him Rs.65,000/- and has only repaid Rs.15,000/- to 20,000/- thereof. Since the applicant continued to sexually exploit the informant, she ultimately gathered courage and lodged the F.I.R. against him.

3. The learned counsel for the applicant would submit that, the victim is married. She is a mother of two children. She is 36 years old. The applicant is 25 years of age. It is a consensual relationship. Monetary transaction

also appears to have been there between the two. A false F.I.R. has, therefore, been lodged.

4. The learned A.P.P. would, on the other hand, submit that, similar offences have been registered against the applicant in the past and even post registration of the present F.I.R. According to learned A.P.P., it is a modus operandi of the applicant to talk sweet and lure females in his dragnet to satisfy his lust. According to learned A.P.P., if the applicant is granted bail, he may tamper with the prosecution evidence. Rejection of the bail application was, therefore, urged for.

5. Perused the F.I.R. and related police papers. Considered the submissions advanced. The informant is a married woman of 36 years of age. She is a mother of two children. The applicant is 25 years of age. The F.I.R. and the related papers indicate it to be a case of consensual relationship. Something must have gone wrong between the two. The last alleged incident of rape took place in February 2022. The F.I.R. has been lodged about a month thereafter. On investigation, the charge sheet has been filed. It will take time for commencement and conclusion of the trial. It is true that, similar offence has been registered against the applicant post registration of the present F.I.R. The learned counsel for

the applicant has brought to the notice of this Court that the informant therein is a friend of the informant in this crime. The Court do not propose to make any observation in regard to the merit of the said matter as it may prejudice both, the applicant or the investigating agency. Suffice it to say, the facts and circumstances of the present case which have been adverted to hereinabove, lead this Court to grant the applicant bail. Hence the order :-

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0236/2022, registered at Sangamner City Police Station, District Ahmednagar for the offence punishable under Sections 376(2)(n), 323, 504, 506 of the Indian Penal Code (Sessions Case No.72/2022) 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 enter Ghulewadi, Sangamner till conclusion of the trial.
- (iv) The applicant shall not tamper with the prosecution evidence.

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

fmp/-