

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO.1168 OF 2022**

RAJABHAU @ RAJU S/O NAGORAO CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Jadhwar Sidhesh V
APP for Respondents : Mr. V.M. Kagne

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CORAM : S.G. MEHARE, J.
DATED : 15th SEPTEMBER, 2022

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. Learned counsel for the applicant would submit that no incident as such happened. The brother-in-law of the complainant is his friend. She had complaint against her brother-in-law who resides adjoining to her home. On the day of the alleged incident when the applicant was with the brother-in-law of the complainant, she had raised a quarrel with him. She has also scolded the applicant for why he company her brother-in-law to drink the liquor. Therefore, he has been falsely implicated in the crime. The applicant has no reason to go to the house of the complainant to have a glass of water when his friend's house was there and they were sitting on the rooftop of the house of his friend. The other witnesses were stating lie since they did not like to sit on the roof. That apart, nothing is to be recovered from him.

3. Learned APP has strongly opposed the application contending that the applicant and brother-in-law of the complainant have committed the offence of outraging her modesty. Her brother-in-law instigated the applicant to enter the house of the complainant and accordingly, he entered into the house of the complainant and outraged her modesty. There are witnesses deposing against the applicant. The offence is serious, therefore, he is not entitled to the anticipatory bail.

4. It is not in dispute that the accused and brother-in-law of the complainant were friends. The brother-in-law of the complainant had a house above her house. It seems improbable that the applicant would go to the house of the complainant to demand a glass of water that too at odd hours when the house of his friend was in the same building. That apart, there is nothing to be recovered from the applicant. Hence, the applicant has a good case for anticipatory bail. Therefore, the following order :

ORDER

- I) Application is allowed.
- II) Interim protection granted to the applicant by order dated 30.08.2022 is confirmed on the same terms and conditions.

(S.G. MEHARE, J.)