

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

ANTICIPATORY BAIL APPLICATION NO.1231 OF 2022

BUVASAHEB JIJABA KHADE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. R. G. Hange, Advocate for Applicant

Mr. A. V. Deshmukh, APP for Respondent – State

Mr. N. L. Jadhav, Advocate h/f Mr. R. C. Bramhankar, Advocate
for Respondent No.2

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 12th DECEMBER, 2022

PER COURT :

1. Applicant apprehends arrest in Crime No.006/2022, registered with Kharda Police Station, Ahmednagar, for offence punishable under Sections 376(2)(n) and 506 of the Indian Penal Code.

2. Victim/respondent No.2 has lodged FIR, in short, alleging that her husband used to ill-treat her and suspect her character. Therefore, she came to reside at her maternal house. She came to know that applicant, resident of Hanuman Gad, Savargaon Ghat, Taluka Patoda, District Beed, solves problems of common public. Victim started visiting the Gad weekly. She used to halt in front of the room of applicant. During her halt, in the night applicant used to take her in the room and make her press his legs.

3. In the month of June, 2022, applicant visited victim's village for construction of Mahadev Temple and he halted at the maternal house of victim. At that time, in the night he took her inside the room and thereafter forcefully established physical contact with her. He threatened her that if she tells about it to anybody, he will kill her. He also told her that she should not go to her husband and should stay with him, and in case of need, he will marry her and he will give her golden ornaments. Saying so, he used to forcibly keep physical relations with her. Thereafter, he gave golden and silver ornaments to the victim. He also assured that he will transfer five acre land in her son's name.

4. Applicant, on 12/07/2022 halted at maternal house of victim and at 12:00 a.m. in the night took her in the room where he was staying and against her wish forcibly kept physical contact with her. Thereafter again he took the victim at Gad and again forcibly kept physical contact with her. She, therefore, alleged that applicant forcibly kept physical relations with her between 04/06/2022 to 12/07/2022 against her wish.

5. Heard learned advocate for applicant, learned Additional Public Prosecutor for respondents – State and learned advocate for respondent No.2/victim. Perused the investigation papers.

6. Applicant *prima facie* appears to have taken disadvantage of faith of the victim on him and has forcibly kept physical relations with her. Allegations made against applicant are serious. Custody of the applicant is necessary for effective investigation. Applicant is absconding since August, 2022. In view of these facts, applicant does not deserve discretionary relief. Application is, therefore, rejected.

(NITIN B. SURYAWANSHI, J.)

SVH