

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1236 OF 2022

Akshay Subhash Ovhal

...Applicant

Versus

The State Of Maharashtra

...Respondent

Mr. Mayur Subhedar h/f. Mr. C.V. Dharurkar, Advocate for the applicant.

Mr. V.S. Badak, APP for State.

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 9th NOVEMBER, 2022

ORDER :

1. The informant has alleged commission of rape by the applicant on her. It is alleged in the FIR that the applicant's mother lodged FIR against husband of the victim, which is registered for the offence punishable under section 376 of IPC.

2. On 26.06.2022, at about 1.30 noon, victim was cleaning utensils in the court yard of her house. At that time, the applicant approached her, by pressing her mouth dragged her inside the house and committed sexual assault on her. This was done by the applicant so as to take revenge of the rape committed on his mother. The applicant left by giving threats to the victim.

3. According to the applicant he is a MPSC aspirant. At the time alleged incident, the applicant was traveling to Pune. He took snacks in hotel Kanyaratna and lodging on Ahmednagar-Pune highway. CCTV footage of the said hotel is handed over to the investigating agency by the mother of the applicant.

4. The learned APP has submitted a report of investigation officer which confirms the contention of the applicant. CCTV footage as well as receipt of payment made by the applicant to the hotel is attached by the investigating officer during the investigation. The investigating officer in his report has categorically stated that the victim has lodged false complaint against the applicant.

5. In view of aforesaid facts, the applicant is entitled for protection. The application is allowed in terms of interim order dated 15th September, 2022.

6. The applicant shall attend the concerned police station as and when called by the investigating officer.

[NITIN B. SURYAWANSHI, J.]