

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

**930 APPLICATION FOR CANCELLATION OF BAIL NO.183 OF
2022**

XYZ

VERSUS

ARJUN SHREERAM ADHE AND ANOTHER

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Advocate for Applicant : Mr. Bhagwat Nilesh N.

APP for Respondent-State : Ms. V. S. Choudhari.

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CORAM : S. G. MEHARE, J.

DATE : 28.09.2022

PER COURT :-

1. Heard the learned counsel for the applicant. The applicant is 58 years old lady. The FIR was lodged by her making allegation that the respondent-accused has assaulted her sexually on 23.05.2022 at 3.00 p.m. The applicant was serving in a bank. They were well acquainted with each other. It has been alleged that he took Rs.15,00,000/- from her. He assured to repay, but he did not repay. It also appears that the applicant had filed one N.C. against the complainant, as she had threatened him.

2. Learned counsel for the applicant has vehemently argued that the learned Sessions Court has rejected the bail

application only on two counts that there is inordinate delay in lodging the FIR and secondly, there is money transaction between the applicant and the respondent-accused. Learned counsel for the applicant has vehemently argued that the Sessions Court did not consider the factum of committing sexual assault. Hence, the order is perverse and arbitrary.

3. The Court has gone through the papers placed on record and the order passed by the learned Additional Sessions Judge. The delay in lodging the FIR raises the suspicion over the allegations made in the FIR and that may be one of the factor to be considered while adjudicating the criminal trials. Admittedly, the complainant herself had stated that she has given Rs.15,00,000/- to the accused-respondent and he did not repay her. The learned Sessions Court was satisfied from the documents and the material placed before it that there was a money transaction between them. While granting the bail, the Court is required to consider the entire facts, the gravity of the offence and the probability of the incident. A perverse finding is one which is based on no evidence.

4. After having gone through the order passed by the Sessions Court, the Court is satisfied that, it is well reasoned

order and within four corners of the law and does not appear
perverse and arbitrary.

5. Hence, the application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-