

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

ANTICIPATORY BAIL APPLICATION NO.1529 OF 2022

**RAJRATNA LAXMAN SUGANDHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Mr. Vikram R. Dhorde, Advocate for Applicant
Mr. A. V. Deshmukh, APP for Respondents – State
Mrs. Pratiksha Kale, Advocate for Respondent No.2 (Appointed)
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 20th DECEMBER, 2022

PER COURT :

1. Applicant apprehends his arrest in Crime No.403/2022, registered with Nanalpeth Police Station, Parbhani, for offences punishable under Sections 376(2)(n) and 328 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Respondent No.2 victim had lodged FIR, in short, alleging that applicant by giving false promise of marriage has forcibly kept physical relations with her from the year 2017 to 2022. Her marriage was performed with another person. After marriage when she was going to her matrimonial place along with her in-laws, applicant stopped their car and told them that he is having love affair with victim and if they take her to matrimonial home, he will throw himself in front of their car. In-laws,

therefore, left her at maternal home. Applicant, thereafter, by giving false promise of marriage forcibly kept physical relations with her from time to time.

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

4. According to applicant, there was love affair between informant and applicant since beginning. Proceedings lodged under the Protection of Women from Domestic Violence Act, 2005, by the victim are placed on record, wherein victim has made certain allegations against her husband and in-laws, which runs counter to the allegations made in FIR.

5. Perusal of investigation papers reveals that there are photographs of applicant and victim. It necessarily depicts love affair between them. In the statement recorded under Section 164, victim has not alleged that applicant has taken video of their physical intimacy. Applicant claims to be a student and considering the material collected during investigation, his pre-trial custodial detention does not appear to be necessary in the facts of the present case.

6. Application is, therefore, allowed by confirming interim

order dated 15/11/2022. Till filing of charge-sheet, applicant shall attend concerned police station as and when called by Investigating Officer and cooperate in investigation. Applicant shall not tamper prosecution evidence.

7. Fees of the learned advocate appointed for respondent No.2 is quantified at Rs.2,500/-, which shall be paid to her by the High Court Legal Services, Sub-Committee, Aurangabad, within a period of four weeks from today.

(NITIN B. SURYAWANSHI, J.)

SVH