**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 2361 OF 2022**

Natha Machindra Ughade .... Applicant
v/s.
The State of Maharashtra .... Respondent

Mr. Sagar S. Tambe i/b. Ritesh M. Thobde for the Applicant.
Mr. A.A. Palkar, APP for the State.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 29th AUGUST, 2022.**

**P. C. :-**

. This is an Application under section 438 of Cr.P.C. for pre-arrest bail in C.R.No.365/2022 registered with Karmala Police Station, Dist. Solapur Rural for offences punishable under sections 354, 354(A), 354(B), 323, 504, 506 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the First Information Report (FIR) dated 07/05/2022 lodged by the prosecutrix. A perusal of the FIR reveals that the prosecutrix is a married women with three children. She claims that the Applicant tried talking to her and that he had expressed his love towards her. The FIR reveals that on 02/05/2022, at about 03:00 a.m., the prosecutrix had gone with the

Applicant to Solapur on his motor cycle. She later went to Chandan Lodge with the Applicant but they did not get a room for want of aadhar card. FIR further reveals that they tried searching for rental room. However, they were unable to get any room and since they did not get any room on rent, they proceeded towards Pune. She claims that the Applicant took her to a field near sugarcane factory and outraged her modesty under the promise of marriage. The prosecutrix spent the night with the Applicant in the field and on the next date, she accompanied him to Jagdamba Hotel. She spent the whole day with the applicant in the said hotel and since they were unable to get the room, she spent the night with the Applicant in a paddy field. She claims that on 05/05/2022, while she was going with the Applicant on his motor cycle, she saw her husband who had come in search of her. It is only thereafter, she lodged the complaint against the Applicant alleging that he had outraged her modesty.

3. The Applicant was arrested in the said crime and he was released on bail on 08/05/2022. The statement of the complainant under section 164 of Cr.P.C. was recorded on 09/05/2022 wherein she has alleged that the Applicant had sexual relationship with her while she was with him in the paddy field. Pursuant to the said 164 statement,

offence under section 376 of IPC has been added in view of which the Applicant apprehends his arrest in the said crime.

4. A perusal of the FIR as well as 164 statement prima facie reveals that the relationship between the Applicant and the prosecutrix was consensual. Prima facie, offence under section 376 is not made out. Considering the nature of accusations and the material on support thereof, the Applicant is entitled for pre-arrest bail. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.365/2022 registered with Karmala Police Station, Dist. Solapur Rural, he shall be released on bail, on furnishing P.R. bonds in the sum of Rs.15,000/- with one or more sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required by them ;

(c) The Applicant shall not interfere with the complainant, her family members and other prosecution witnesses and shall not tamper with the evidence or attempt to

influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. Application stands disposed of.

PREETI
H JAYANI

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Date: 2022.08.30
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**(SMT. ANUJA PRABHUDESSAI, J.)**