

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

ANTICIPATORY BAIL APPLICATION NO. 2636 OF 2022

Srinath Bhima Rathod

Applicant

Versus

The State of Maharashtra

Respondent

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Mr. Ritesh Thobade, Advocate for the Applicant.

Mr. A. A. Palkar, APP for the Respondent – State.

Mr. V. V. Purwant, Advocate for Intervener.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th OCTOBER 2022

PC :

1. This is an application for pre-arrest bail in connection with C.R. No. 366 of 2022 registered with Vijapur Naka Police Station, Solapur for offences punishable under Sections 376, 376(2) (n) of the Indian Penal Code.

2. The First Information Report dated 26th July 2022 was registered by the complainant, who is aged around 25 years alleged that, the engagement ceremony of the complainant was performed with the Applicant on 26th November 2022. The Applicant is working as Jail Police at Manglur Jail. On 25th November 2020, the

Applicant visited the house of complainant. Other family members of the complainant were not in the house. The Applicant told her that their engagement ceremony has performed and he would marry her. The Applicant subjected to complainant to non-consensual sexual intercourse. Thereafter, the Applicant used to visit complainant's house and maintained physical relationship with her. On 19th December 2021, Applicant took the victim to lodge at Vijapur. She was subjected to physical relationship under force. Thereafter, the Applicant started avoiding the complainant and refused to perform marry with her. Hence, FIR was registered.

3. The Applicant preferred an application for anticipatory bail before the Sessions Court at Solapur which has been rejected by Order dated 17th September 2022.

4. On perusal of the FIR it is apparent that, the physical relationship was apparently consensual in nature. The victim is the major women.

5. Learned Advocate for the Applicant submitted that, the FIR is false. There is delay in lodging the FIR. The Applicant is Government Servant. Custodial interrogation of the Applicant is not necessary. Whereas, the learned Advocate for the complainant and learned APP submitted that, the relationship was not consensual.

The complainant was subjected to physical relationship without her consent. The accused made false promises of marriage. Engagement ceremony was performed. After subjecting the victim to physical relationship, the accused refused to marry her. The accused has taken objectionable photographs. Huge amount of Rs. 5,75,000/- is taken for performing marriage.

6. Considering the factual aspects of the matter, the Applicant need not be subjected to custodial interrogation. Hence, I pass the following Order.

ORDER

- (i) Anticipatory Bail Application No. 2636 of 2022 is allowed and disposed off.
- (ii) In the event of arrest of the Applicant Srinath Bhima Rathod in connection with C.R. No.366 of 2022 registered with Vijapur Naka Police Station, District Solapur, the Applicant be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The Applicant shall appear before the investigating Officer as and when called for.

(PRAKASH D. NAIK, J.)