

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Criminal Application (ABA) No.284/2022**

Rahul Bansode V State of Maharashtra thr PSO PS Buldhana and another

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders

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Shri S.V. Sirpurkar, Advocate for applicant.

Mrs. Mrunal Barabde, APP for State.

Shri S.M. Awachat, Advocate for non-applicant no.2.

**CORAM : ANIL S. KILOR, J.**

**DATE : 10-06-2022**

The applicant has approached to this Court by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.0188/2022 dated 12-03-2022 registered with Police Station Buldhana City, District Buldhana for the offences punishable under Sections 376, 420, 506 read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

2. The learned Counsel for the applicant submits that

he has been falsely implicated in the alleged offence as he refused to marry with the daughter of the complainant. It is submitted that the applicant is serving in Assam Rifles and presently posted at Nagaland. Therefore, he submits that, there is no possibility of being absconded or not available for the trial. It is further submitted that as the applicant is posted in Nagaland, there is no possibility that he will pressurize the prosecution witnesses or tamper with the prosecution evidence.

3. The learned APP strongly opposed the application and submitted that the Investigating Officer has collected the sufficient material to prima facie show the involvement of the applicant in the alleged crime. She, therefore, submits that there is no delay in lodging the FIR. She further submits that as the offence is serious this Court may not grant pre-arrest bail to the applicant.

4. I have perused the case diary and also the contents of the FIR.

The allegations in the FIR are that the marriage of the

victim and the applicant was fixed and the engagement ceremony was held which was attended by relatives of both the sides. Thereafter, the applicant committed sexual intercourse against the consent of the victim on 08-10-2021 and subsequently refused to marry her.

5. The applicant is serving in Rifle Regiment and he is presently posted at Nagaland. The applicant is in Government Service. There is no possibility that the applicant will not be available for trial. Moreover, as the applicant is posted in Nagaland, there is no possibility that the applicant will pressurize the prosecution witnesses or tamper with the prosecution evidence.

6. This Court vide order dated 26-04-2022 granted ad-interim anticipatory bail to the applicant and directed him to attend the Police Station on 1st and 2nd May, 2022 between 10.00 am to 12.00 noon. Accordingly, he attended the Police Station and during the period when he was on ad-interim anticipatory bail, there is no complaint about misuse of liberty by

the applicant.

7. Looking to the allegations made in the FIR though the offence is serious in nature, however, in the above referred backdrop and as the custodial interrogation of the applicant is not necessary, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order.

**ORDER**

- i) The application is allowed.
- ii) The order granting ad interim anticipatory bail dated 26-04-2022 is confirmed.

(Anil S. Kilor, J.)