

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.372 OF 2022

Rahul Rajesh Patone **Versus** State of Maharashtra, thr. PSO PS Umarkhed & another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri K.S.Narwade, Advocate for the applicant.

Shri A.M.Deshpande, A.P.P. for the non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 21/07/2022

1. The applicant is seeking bail in connection with Crime No. 428/2021, registered with Police Station, Umarkhed, Tq. Umarkhed, District Yavatmal, for the offence punishable under Section 376(2)(n) of the Indian Penal Code, 1860.

2. Shri K.S. Narwade, learned counsel for the applicant submits that even if the allegations are taken on its face value, it can be seen that there were consensual physical relations between the applicant and the victim. He, therefore, submits that the applicant has been falsely implicated in the alleged offence.

3. Shri K.S. Narwade, learned counsel for the applicant further submits that considering the allegations made in the FIR, custodial interrogation of the applicant is not necessary. Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, Shri A.M. Deshpande, learned APP strongly opposed the present application.

5. I have perused the Case-diary and FIR.

6. From the allegations made in the FIR, it can be seen that even if it is taken on its face value, *prima-facie*, there were consensual physical relations between the applicant and the victim. Moreover, the alleged first incident took place in the month of February-2019, whereas, after more than two years, the complaint came to be lodged. Thus, there is delay in lodging the report.

7. In the circumstances, I am of the opinion that custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order:

Criminal Application is **allowed**.

The ad-interim bail granted by this Court on 08/06/2022, is confirmed.

[ANIL S. KILOR, J.]

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