

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

CRIMINAL APPLICATION (ABA) NO. 763/2022

Satish s/o. Krishnaji Jounjalkar Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri O. D. Kakde, Advocate for the Applicant.
Ms Kalyani Deshpande, A.P.P. for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 04/11/2022.

. Heard.

2. The applicant is apprehended for arrest in Crime No.659/2022 for the offences punishable under Sections 376, 376(2)(n), 504 and 506 of the Indian Penal Code.

3. It is alleged that the applicant who is the friend of the husband of the victim had forcible sexual relations with her by giving threats to her. The applicant was having talking terms with victim as he used to visit her house frequently. Thereafter, they had sexual relations for two years. It is alleged that the applicant had sexual relations with her by giving threats, therefore, she had lodged the complaint and the crime is registered.

4. The learned Counsel for the applicant has stated that the husband of the victim came to know about the incident and thereafter, she has lodged the complaint. The relations were consensual. The offence under Section 376 will not be attracted. No custodial interrogation is required. Hence, prayed to protect him by granting

anticipatory bail.

5. The learned A.P.P. opposed the application stating that the applicant had given threats to her. After the medical report, the offence under Section 323 of the Indian Penal Code is added. The custodial interrogation is necessary. Hence, prayed to reject the application.

6. The Victim is 34 years married women. She is having kids. She has stated in her complaint that they were having friendly relations and she went whenever the applicant called her. For two years they had relations. Considering the contents of the First Information Report, it appears that it is the case of consensual relations. The custodial interrogation is not necessary. Hence, protected by granting anticipatory bail.

ORDER

i] The application is allowed.

ii] In the event of arrest of the applicant in Crime No. 659/2022 registered with the Police Station Mouda, Nagpur for the offences punishable under Sections 376, 376(2)(n), 504 and 506 of the Indian Penal Code, the applicant be released on bail on furnishing P.R. bond of Rs.25,000/- with a solvent surety in the like amount.

iii] The applicant shall attend the concerned Police Station as and when his presence is required.

7. The Criminal Application is disposed of.

8. Authenticated copy of this order be furnished to the respective parties to act upon.

(MRS. VRUSHALI V. JOSHI, J.)

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