

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.490 OF 2023

Rushikesh s/o Kakasaheb Sangale ... APPLICANT

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

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Mr. Harshwardhan Hange, Advocate holding for
Mr. R.G. Hange, Advocate for applicant
Ms. R.P. Gaur, A.P.P. for respondents No.1 and 2
Mr. S.S. Jadhavar, Advocate for respondent No.3

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WITH

CRIMINAL APPLICATION NO.1427 OF 2023 IN
ANTICIPATORY BAIL APPLICATION NO.490 OF 2023

Smt. Surekha Krushna Dhakane ... APPLICANT

VERSUS

Rushikesh s/o Kakasaheb Sangale & anr. ... RESPONDENTS

.....

Mr. S.S. Jadhavar, Advocate for applicant
Mr. Harshwardhan Hange, Advocate holding for
Mr. R.G. Hange, Advocate for respondent No.1
Ms. R.P. Gaur, A.P.P. for respondents No.2

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CORAM : R.G. AVACHAT, J.

DATE : 18th APRIL, 2023

PER COURT :

Criminal Application No.1427/2023. The original
complainant is permitted to assist learned A.P.P.

2. Heard. The First Information Report (F.I.R.) has been lodged by the victim herself on 4/3/2023. It is her case that, she got acquainted with the brother of the present applicant namely Kamlesh (co-accused) in April 2021. Kamlesh runs a mobile shop. The victim had occasion to visit the said shop. Kamlesh obtained password of her cell phone. He got accessed photographs stored in the cell phone. The acquaintance between the two developed into emotional relationship. There are even documents to indicate that both of them started residing as husband and wife. The informant and her husband had moved the Court for dissolution of marriage by decree of divorce. It is not known as to what went wrong between the two.

3. Admittedly, Kamlesh (co-accused) has been arrested. The applicant is his brother. He is alleged to have slapped the informant on 25/2/2023. It is also alleged that, the applicant torn clothes on her person and asked her to keep physical relations with him.

4. It appears that, there is delay of about six days in lodging of the report relating to the incident allegedly committed by the present applicant.

5. Another F.I.R. lodged on 10/4/2023 has been relied on by the learned counsel for the informant and the learned A.P.P. as well, to suggest that the applicant has similarly behaved with the informant, and the crime has been registered against him.

6. The allegations in the F.I.R., documents filed along with the application and even the averments in the F.I.R. dated 10/4/2023 indicate the informant to have determined to be after the applicant and his brother Kamlesh and to teach them a lesson. In view of this Court, the veracity of the probative value of the averments in both the F.I.Rs. are seriously in doubt. In view of the above, the application is allowed. The order granting interim relief to the applicant is hereby made absolute.

7. The applicant shall not tamper with the prosecution evidence and shall appear before the investigating officer as and when required for the purpose of investigation.

(R.G. AVACHAT, J.)

fmp/-