

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.561 OF 2023

Mohan S/o Govindrao Jadhav

.... Applicant

Versus

The State of Maharashtra
and another

.... Respondents

.....
Mr. Milind M. Patil, Advocate for the Applicant
Mr. R.B. Bagul, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 02nd May, 2023

ORDER :

1. This is second application filed by the applicant for anticipatory bail. The applicant is accused in Crime No.566 of 2022 registered with Ahmedpur Police Station, District Latur, for offences punishable under sections 376, 506 of the Indian Penal Code.

2. Prosecutrix has lodged FIR alleging that on 05/12/2022, in between 11.00 a.m. and 12 noon, she was grazing she buffalo in her agricultural field. The accused who is adjacent landholder, came there gagged her mouth and dragged her in the nearby crop and ravished her. He threatened her not to disclose the incident to anyone.

Thereafter, in the evening, she disclosed the incident to her husband. Her husband told her to wait till tomorrow. On the next day, when they searched the accused, he was not found. Her husband gave her beating by kicks and fist blows. Therefore, she went to her brother's house at Ahmedpur. Thereafter, on 08/12/2022, the FIR in question is lodged.

2. Heard learned advocate for the applicant, learned Assistant Public Prosecutor for the State.

3. Earlier the applicant approached this Court by filing Anticipatory Bail Application No. 131 of 2023, in which the following order is passed:

"After arguing at length on merits, when this Court was not inclined to grant relief, learned advocate for the applicant on instructions seeks permission to withdrawn the application. Permission granted. The application is dismissed as withdrawn."

4. Learned advocate for the applicant submits that, since the charge-sheet is filed that itself is change in circumstance as the investigation is complete. He further submits that the applicant is 62 years old and is a retired Teacher, and he is falsely implicated in the Crime.

5. Charge-sheet is filed under Section 299 of the Code of Criminal Procedure, the accused is shown absconding, therefore, contention of accused that since charge-sheet is filed, investigation is over, is devoid of any substance. *Prima facie*, there is material to show involvement of accused in commission of serious offence of rape. Custody of the accused is necessary for effecting recovery and for conducting medical examination. Thus, his custody is necessary for effective investigation. There is no change in circumstance as claimed by the accused. No case is made out by the application for grant of anticipatory bail.

6. The application being devoid merit is rejected.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane