

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

42 ANTICIPATORY BAIL APPLICATION NO.692 OF 2023

RAHUL ANIL GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Suniket Anil Kulkarni

APP for Respondent – State : Mrs. G.L. Deshpande

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CORAM : R. M. JOSHI, J.

DATE : AUGUST 28, 2023

PER COURT :

. Applicant is apprehending arrest in connection with Crime No.126 of 2023 registered with Bhingar Camp Police Station, Dist. Ahmednagar for the offences punishable under Sections 376, 323, 504 and 506 r/w. Section 34 of the Indian Penal Code.

2. The informant is the wife of co-accused namely Amol Sudage and sister-in-law of the applicant. It is alleged in the FIR that the applicant herein has sexually abused her and hence offence punishable under Section 376 of the Indian Penal Code is charged against him.

3. Learned counsel for the applicant states that the allegations made in the FIR are false and that the informant has started cohabiting with the co-accused Amol, who is the real brother of the applicant.

4. Learned APP has obtained instructions from the Investigating Officer. After recording of the statements of the brother of the informant and informant herself it has found that the informant is staying along with her husband. These facts clearly indicate that the FIR was lodged only with a view to pressurize the husband. This Court finds *prima facie* no substance in the allegations against the applicant. In view of the above, the following order is passed.

ORDER

(i) The application is allowed in terms of interim relief dated 04.05.2023.

[R. M. JOSHI]
JUDGE

GGP