

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 976 OF 2023

Nilesh s/o Sudhakar Labhade

Applicant

Versus

The State of Maharashtra & others

Respondents

Mr. A. S. Gandhi, Advocate for the applicant.

Mrs. G. L. Deshpande, APP for the State.

Mr. A. R. Borulkar, advocate for respondent No. 3.

CORAM : R. M. JOSHI, J.

DATE : 15th SEPTEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 192/2023 registered with Vaijapur Police Station, Tq. Vaijapur, Dist. Aurangabad for the offences punishable under Sections 376, 323, 506, 504, 109 of Indian Penal Code.

2. First informant reported to the police that she had been in love relations with the applicant though he was married and having two children. On account of his marital status, family members of the informant and applicant opposed for the said marriage. She states about physical relations between them which occurred from time to time. It is further stated in the report that

later on the applicant had told her that he is already married and he does not wish to marry her.

3. Learned counsel for the applicant states that the informant is major and that they were in love relationship. He submitted that pursuant to the protection granted by this Court, applicant is cooperating in the investigation and even he has undergone medical tests. It is his further contention that after completion of investigation, charge-sheet has been filed and the case has been committed to the Sessions Court and is registered as Sessions Case No. 122/2023. Thus, according to him, this is a case for grant of anticipatory bail.

4. Learned App and learned counsel for the informant opposed grant of anticipatory bail on the submission that there are specific allegations against the present applicant that by giving false promise of marriage, he has taken disadvantage of the informant.

5. From the First Information Report itself, it is clear that the informant is major and that she had an affair with the applicant. It further shows that the said relationship was kept after fully

knowing of the fact that applicant is already married and having children too. In such circumstances, it is difficult to accept contention of informant that under the misconception of marriage, physical relations were established by the applicant. Undisputedly, investigation is over and charge-sheet has been filed with committal of the case to the Sessions Court. In such circumstances, there is no propriety in rejecting the application. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dwb