

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1167 OF 2023

Pravin Sahebrao Pawar

Applicant

Versus

The State of Maharashtra

Respondent

Mrs. S. G. Sonawane, Advocate for the applicant.

Mr. S. P. Sonpawale, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 15th SEPTEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 062/2023 registered with Ambhora Police Station, Tq. Ashti, Dist. Beed, for the offence punishable under Section 376(2)(n), 354A(1)(i), 504, 506 of Indian Penal Code.

2. Informant has claimed that she got married on 30th October, 2019 and since then she is staying at her matrimonial home. Her husband used to be out of station as he is in the business of coal. She claims that she got acquainted with the applicant and they used to talk with each other. It is stated in the First Information Report that he used to threaten him to speak to him otherwise he will

defame her in the society and inform about it to her husband. It is claimed that in February 2021, applicant had forcibly kept sexual relationship with her and the incident repeatedly occurred thereafter. It is claimed by the informant that she being fed up with the same, had finally decided to inform about it to her husband and to lodge report. With these averments First Information Report came to be lodged.

3. Learned counsel for applicant states that informant and applicant are major and this is a case of consensual relationship between the parties. She further submits that there is delay of about 1 ½ year in lodging the report which creates serious doubt about allegations of informant that physical relationship was established between them is not consensual.

4. Learned APP submits that the First Information Report gets corroborated with the statement of informant under Section 164 of the Code of Criminal Procedure. Reference is also made to the medical evidence which shows that possibility of sexual intercourse is not ruled out.

5. Informant is major and married lady. In such circumstances, said medical report does not show that it is a case of rape. As far as allegations of the informant that applicant had established forcible physical relationship with her is concerned, relationship between them for long period of about 1 ½ year on number of occasions makes her said claim not believable.

6. Learned counsel for applicant states that pursuant to the protection granted by this Court, applicant had cooperated in the investigation and medical tests have also been conducted. As such, custody of the applicant is not necessary.

7. Hence, application is allowed in terms of interim order.

(R. M. JOSHI)
Judge

dyb