



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1507 OF 2023

Shripad Navnath Nagargoje

VERSUS

The State Of Maharashtra

Mr. R. G. Hange, Advocate for the applicant

Mr. M. K. Goyanka, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 13th DECEMBER, 2023

P.C. :-

1. Applicant apprehends arrest in connection with Crime No. 611/2023 registered with MIDC Latur Police Station, District Latur for the offences punishable under Sections 376, 376(2)(n), 313, 323, 506 of IPC.

2. First informant is major lady. According to her she had love affairs with applicant and that they decided to marry. Since October, 2021 they started staying together. She alleged that at that place applicant used to establish forcible sexual relations with her. It is also allegation that initially he agreed for the marriage he promised to marry her and when she became pregnant physical harassment was caused to her and which resulted in to causing of her miscarriage. Finally she claims that applicant refused to marry her and hence report came to be lodged.

3. Learned counsel for the applicant submits that the informant is major and from the first information report itself it is clear that it is the consensual relationship between the parties. Thus, according to him prima facie no offence is made out against the applicant. He also claims that charge-sheet has already been filed.

4. Learned APP opposed the application by relying upon the statement of informant.

5. Perusal of the first information report indicates that the informant is major. There was love relationship between informant and applicant. Informant does not claim that she surrendered to the applicant and allowed physical relationship with him on false promise of marriage. On the contrary she claims that the establishment of physical relationship was against her will. This statement runs contrary to her statement that there are love relationship and they are also staying together. Apart from this, the evidence collected during the investigation as reflected in the charge-sheet shows that there was miscarriage caused with the consent of informant herself.

6. Having regard to these facts, application is allowed in terms of interim order dated 11th September, 2023.

(R. M. JOSHI, J.)

ssp