



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

ANTICIPATORY BAIL APPLICATION NO.1549 OF 2023

SAGAR DATTATRAY CHANDGHODE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. V. R. Autade, Advocate for the applicant
Mr. M. K. Goyanka, APP for the respondent/State
Ms. H. R. Lomte, Advocate for respondent No.2 (appointed)

CORAM : R. M. JOSHI, J.

DATE : 7th DECEMBER, 2023

P.C. :-

1. Applicant apprehends arrest in connection with Crime No. 354/2023 registered with Sonai Police Station, Tq. Newasa, Dist. Ahmednagar for the offence punishable under Section 376(2)(n) of the IPC.

2. First informant claims that since 2015 she had love relations with applicant and that this was known to the family members and hence no one objected to the same. It seems from the first information report that subsequently applicant refused to marry her and hence offence came to be registered against him.

3. Learned counsel for the applicant submits that admittedly it is a love relationship and in view of the fact the informant is major, it is a

case of consensual physical relationship even if the first information report is accepted.

4. Learned APP and learned appointed counsel for the informant opposed the application by citing seriousness of the crime.

5. Perusal of the first information report itself shows that there was love relationship and consensual physical relations since 2015. There is nothing to indicate that under misconception of the fact the such relationship was established. Merely because subsequently applicant refused to marry informant it does not become an offence of rape. Apart from this, it is pertinent to note that it reveals from the investigation papers that the informant has refused to record her statement under Section 164 of Cr.P.C. so also she refused to undergo medical examination. Hence, the applicant deserves to grant anticipatory bail. Hence the application is allowed in terms of interim order dated 14th September, 2023.

6. Fees of the appointed counsel is quantified Rs. 6000/- and it is to be paid by the High Court Legal Services Authority, Sub Committee, Aurangabad.

(R. M. JOSHI, J.)

ssp