

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

ANTICIPATORY BAIL APPLICATION NO.1741 OF 2022

**DIPAK RAMBHAU KHOLGADGE AND ANOTHER
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Dhananjay M. Shinde, Advocate for Applicants

Mrs. R. P. Gour, APP for Respondents – State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 09th JANUARY, 2023

PER COURT :

1. After arguing extensively on merits, when this Court was not inclined to grant relief to applicant No.1, learned advocate for applicants, on instructions, seeks permission to withdraw the application to the extent of applicant No.1. Permission granted. Application of applicant No.1 Dipak Rambhau Kholgadge is, therefore, dismissed as withdrawn.

2. Applicant No.2 is arrayed as accused No.2 in Crime No.387/2022, registered with Hingoli Rural Police Station, Hingoli, for offence punishable under Sections 328, 376(2)(n), 384 read with 34 of the Indian Penal Code.

3. Informant aged 30 years has lodged FIR alleging that, one year prior to lodging of FIR, when she came to her maternal home, applicant No.2 and her husband (applicant No.1) being

neighbours called her to their house. Applicant No.2 gave her home made drink. After drinking it, she felt giddy and she slept there. After sometime she realised that she was ravished. When she told this to applicant No.2, she was told by applicant No.2 that there is nothing wrong and informant should not disclose the incident to anybody, otherwise they will kill informant's husband and children by coming to the matrimonial home of informant at Gotan, Rajasthan. Four months prior, when informant came to her maternal home accused No.1, husband of applicant No.2, took her to the hotel near railway station and she was ravished in that hotel. Husband of applicant No.2 has extorted golden *Mangalsutra*, necklace set, golden earrings, silver anklets and two golden rings, so also, Rs.30,000/- from the informant. Applicant's husband is also demanding more money from the informant, otherwise she will be defamed and her husband and children will be killed.

4. Heard learned advocate for applicants and learned Additional Public Prosecutor for respondents – State. Perused the investigation papers.

5. Taking into consideration allegations made in the FIR and material collected during investigation, nothing is to be recovered from applicant No.2 and her custodial detention is not necessary before trial. Applicant being a woman is entitled for protection.

6. Applicant was directed to attend the concerned police station from 25th to 30th of December, 2022. According to the applicant she has attended the police station. However, learned Additional Public Prosecutor, on instructions from investigating officer, submits that investigating officer was busy in examination and therefore, she could not interrogate the applicant. In that view of the matter, it is necessary to impose suitable condition on the applicant.

7. In the result, application of applicant No.2 Sadhana Dipak Kholgade is allowed by confirming interim order dated 21/12/2022. Applicant No.2 shall attend concerned police station everyday from 12th to 17th of January, 2023, between 10:00 a.m. to 12:00 noon and shall cooperate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)