

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1797 OF 2022

Mustafa Jilani Shaikh

.... Applicant

Versus

The State of Maharashtra
and others

.... Respondents

.....

Mr. Mahesh P. Kale, Advocate for the Applicant

Mr. A.A. Jagatkar, APP for Respondent Nos. 1 and 2 – State

Mr. S.K. Naikwade, Advocate for Respondent No.3 - Informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 09th FEBRUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No. 0227 of 2022 registered with Palam Police Station, District Parbhani for offences punishable under sections 376(2)(n), 354-A, 354-D, 452, 506 of the Indian Penal Code.

2. Prosecutrix has lodged FIR alleging that the applicant forcibly kept physical relations with her. He obtained video of their physical intimacy, and by giving threats that he will forward the video to her husband, used to keep contact with her.

3. Heard learned advocate for the applicant, learned Additional Public Prosecutor for Respondent Nos.1 and 2 and learned advocate for respondent No.3. Perused the investigation papers.

4. During the course of investigation, the statement of prosecutrix is recorded under section 164 of the Criminal Procedure Code, wherein on oath she has stated that the applicant has not committed rape on her. He has not forcibly kept physical relations with her. They are in love relation, and the physical relations were consensual. She is in love with the applicant.

5. In supplementary statement recorded on 07/02/2023, the prosecutrix has stated that under pressure of her husband, her brother, cousin and others, she has lodged FIR against the applicant.

6. In the light of above, the application is allowed. In the event of arrest of the applicant in Crime No. 0227 of 2022 registered with Palam Police Station, District Parbhani for offences punishable under sections 376(2)(n), 354-A, 354-D, 452, 506 of the Indian Penal Code, the applicant shall be released on executing Personal Bond of Rs.15,000/- with one surety in the like amount.

7. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane