

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1661 OF 2023

Gourishankar Guranna Wale

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Ritesh Thobade a/w. Changdeo for the Applicant.
Mr. S.V.Gavand, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 14th JUNE, 2023.**

P.C.

1. The Applicant apprehends arrest in C.R.No.181 of 2023 registered at Vijapur Naka Police Station, Solapur, for offences under Section 376, 506 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The prosecutrix is a married lady. She was working with the Applicant. The first information report reveals that the Applicant was known to her since about four years prior to lodging of the FIR. She claims that he had sexual relationship with her initially in the month of January 2022 against her will, and later in the month of July 2022 under the threat of termination of her service. She further claims that on 11.7.2022, the Applicant had come to her house along with one

Sidramappa, and that said Sidramappa had given her Rs.5,00,000/- in lieu of which she had transferred her house in his favour. She claims that the Applicant took the money from her under the pretext that he would purchase utensils required for catering business. She claims that the Applicant neither purchased the utensils, nor returned the money. She therefore lodged FIR alleging rape.

4. The FIR prima facie reveals that the relationship between the Applicant and the prosecutrix, both adults, was consensual. The FIR further indicates that the Applicant had lodged a complaint against the prosecutrix on 16.02.2023. About two months later the prosecutrix lodged the FIR alleging rape. The statement of Sidramappa prima facie reveals that the prosecutrix along with the Applicant, had gone to his house and informed him that she was willing to sell her house, and that he had purchased her house on payment of Rs.5,00,000/-.

5. Considering the above facts and circumstances, in my considered view this is not a case which would justify custodial interrogation. Hence the Order.

- (i) In the event of arrest of the Applicant in Crime No.181 of 2023 registered at Vijapur Naka Police Station, Solapur, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer for two days

on 19th and 20th June, 2023, between 11.00 a.m. to 2.00 p.m.;

(iii) The Applicant to hand over his mobile phone to the Investigating Officer;

(iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(v) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)