

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 497 OF 2020

Vijay @ Bhau Shankar Dhavade ...Applicant
V/s.
The State of Maharashtra and anr. ...Respondents.

Mr. Narayan S. Pawar for the Applicant.
Mrs. Veera Shinde, APP for the Respondent/State

CORAM : N.R. BORKAR, J.
DATE : 20.01.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No. 13 of 2020 registered at Shirur Police Station, Pune Rural for the offences punishable under Sections 376 and 506 of the Indian Penal Code.
3. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.
4. The allegations are of rape.
5. The learned counsel for the applicant submits that the alleged act was consensual. It is submitted that there is delay in lodging the FIR and is of bereft of particulars. It is submitted that considering the facts and circumstances, the applicant may be

released on anticipatory bail.

6. On the other hand, the learned APP for the respondent/ State submits that the prosecutrix in her statement has in unequivocal terms stated that the present applicant committed forcible sexual intercourse with her. It is submitted that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. I have perused the FIR and the the statement of prosecutrix recorded under Section 164 of the Cr.P.C. The prosecutrix has stated that on the date of alleged incident, at about 9:00 p.m., all of sudden the present applicant had entered into her house, while she was alone and committed forcible sexual intercourse with her. According to the applicant, it was consensual act. However, there is nothing to show that there was some sort of relationship between the applicant and the prosecutrix. I am therefore, not inclined to release the applicant on anticipatory bail. Hence, the Anticipatory Bail Application is rejected.

8. At the request of the learned counsel for the applicant, the interim protection granted to the applicant by order dated 2 March 2020 shall continue to operate for a period of four weeks from today.

[N.R.BORKAR, J.]