

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 518 OF 2023

Bhanudas B. Modhale ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Prasaanna Shahane for the Applicant.
Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 20.02.2023.

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.51 of 2023 registered at Vadgaon Maval Police Station, Pune Rural for the offences punishable under Sections 376, 452 and 323 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 against the present applicant are of rape.
5. The learned counsel for the applicant submits that the alleged act was consensual and the same is fortified by the fact that no report was lodged immediately after the alleged incident. It is submitted that the report came to be lodged after four days of

alleged incident as the applicant and the prosecutrix were found together by the husband of the prosecutrix. It is submitted that considering the overall facts and circumstances, the applicant may be released on anticipatory bail.

6. I have perused the statements of the prosecutrix. *Prima facie*, I do not see any reason to doubt her version. As regards delay in lodging the FIR, normally in such cases nobody immediately rushes to the police station to lodge the report. Considering the nature of offence, I am not inclined to release the applicant on anticipatory bail. Hence, the Anticipatory Bail Application is rejected.

[N.R.BORKAR, J.]