

Versus

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Mr. Surel Shah alongwith Mr. Rahul Kasbekar for Respondent No.2.

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DATED : 6 FEBRUARY 2023

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 151 of 2022 registered at Shahupuri Police Station, Kolhapur for the offences punishable under Sections 376, 354-D, 327, 342, 323, 506 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The learned Counsel for the applicant submits that there is a delay in lodging the FIR. It is further submitted that there was a love affair between the prosecutrix and the present applicant. It is submitted that the alleged acts of sexual intercourse were consensual.

5. I have perused the statement of the prosecutrix. It appears from her statement that applicant not only forcibly committed sexual intercourse with the prosecutrix but also he clicked her semi-nude photographs in his mobile phone. Apart from it, when she told him to stop harassing her, he threatened her that he would throw acid on her person. Considering the overall facts and circumstances, I am not inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is rejected.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
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