



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO. 245 OF 2023

(Ramu @ Ramsingh Indersingh Rajput Vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V.D. Ruparelia, Advocate a/w Shri B.K. Suchak, Advocate for the applicant.
Shri A.M. Kadukar, APP for the State.
Ms A.D. Kolhe, Advocate (appointed) for non-applicant No.2.

CORAM :- URMILA JOSHI-PHALKE, J.

DATED :- AUGUST 18, 2023.

Heard.

2. Present application is for grant of anticipatory bail in the event of arrest of the applicant in connection with Crime No.214/2023 registered at police station Buldhana City for the offence punishable under Sections 376 and 506 of the Indian Penal Code.

3. The crime is registered on the basis of order passed by the Judicial Magistrate First Class in Criminal Application No.130/2022 filed under Section 156(3) of the Code of Criminal Procedure, 1973. In the said application, it was alleged that on 29th July, 2018 the applicant who was acquainted with the victim threatened her to kill her children and subjected her for sexual assault. Thereafter the applicant was continued the said act till 9th March, 2022. Learned Magistrate, vide order dated 13th April, 2022 directed the Police Station Officer to register the crime and carry out the investigation.

4. As the applicant was apprehending arrest at the hands of police, he approached to this Court for grant

of anticipatory bail on the ground that he is falsely implicated in the alleged offence. In fact, the applicant had contacted the victim and had enquired about her. But she has lodged the report only to extract the money from him. Now, investigation is completed and the charge-sheet is filed. The custodial interrogation of the present applicant is not required. As the applicant was released on ad-interim anticipatory bail, he has cooperated with the Investigation Agency. Thus, his custodial interrogation is not required, and therefore, ad-interim protection granted to him be confirmed in his favour.

5. Said application is strongly opposed by the State on the ground that there is a *prima facie* case against the present applicant to connect him with the alleged offence. Victim has medically examined and it reveals that she was subjected for sexual assault.

6. Considering the *prima facie* case against the present applicant and the offence is of serious nature, the application deserves to be rejected.

7. Learned Counsel Miss Kolhe for non-applicant No.2 also raised the objection on the ground that the offence is of serious nature and considering the gravity of the offence, the application deserves to be rejected. She further submitted that the victim is having apprehension regarding her life at the hands of the present applicant, and therefore, application deserves to be rejected.

8. Having heard learned Counsel for the applicant who reiterated the contention. Learned

Additional Public Prosecutor for the State and learned Counsel for the victim. Perused the investigation papers as well as the recitals of the First Information Report. From the recitals of the FIR shows that the victim is a grown up woman aged about 29 years old. It reveals that she is married woman and residing along with her children. Her husband is not alive. Present applicant was acquainted with her and used to visit her house. On 29th July, 2018, the applicant on account of celebrating the birthday of her daughter visited her house and thereafter subjected her for sexual assault. Thereafter the applicant time to time subjected her for sexual assault, and thereafter she approached to the police. However, police have not taken any action against the present applicant, therefore, she approached to the Court and the crime is registered against the present applicant. It further reveals that during investigation, the Investigating Officer has visited the alleged spot of incident, recorded the relevant statements of the witnesses and after completion of the investigation submitted charge-sheet against the present applicant. Considering the entire investigation papers, it reveals that the act of sexual intercourse appears to be consensual one. However, whether the consent has obtained or any promise or under threat is a matter of evidence. At the stage, considering that the investigation is completed, the applicant has cooperated with the Investigating Agency after he released on ad-interim protection. Further custodial interrogation of the present applicant is not

required. No purpose will be served by keeping him behind bar. The application deserves to be allowed by confirming ad-interim protection in favour of the present applicant by imposing certain conditions. Accordingly, I proceed to pass following order :

- (i) The application is allowed.
- (ii) The ad-interim protection granted to the present applicant vide order dated 18/04/2023 is hereby confirmed.
- (iii) In the event of arrest, the applicant in Crime No.214/2023 registered at police station Buldhana City for the offence punishable under Sections 376 and 506 of the Indian Penal Code, be released on anticipatory bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty five thousand) with one surety, in the like amount.
- (iv) The applicant shall not enter in the vicinity of Ekta Nagar, Buldhana till conclusion of the trial.
- (v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper the prosecution evidence.

9. Fees of the appointed Counsel be paid as per rules.

(URMILA JOSHI-PHALKE, J.)