



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

938 ANTICIPATORY BAIL APPLICATION NO. 16 OF 2024

Jyoti Limbaji Ranjane

..APPLICANT

-VERSUS-

1. The Superintendent of Police
2. State of Maharashtra

..RESPONDENTS

Advocate for Applicant : Mr. Sagar P. Mahale h/f Mr.M.A. Jahagirdar
APP for Respondent/State: Ms.R.R. Tandale

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 9th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.884 of 2023 registered with Sangamner City Police Station, Dist.Ahmednagar, for the offences punishable under sections 376(2) (n), 504, 506 read with 34 of the Indian Penal Code (For short, "I.P.C.")
2. It is prosecution's case that the informant was sexually assaulted by accused no.1 – Sidharth. It is alleged that the applicant abetted the accused no.1 to commit the said offence.
3. It is contention of learned counsel for the applicant that as per F.I.R. physical relations between the informant and accused no.1 started in the year 2017 and in the F.I.R. role of applicant is mentioned in May, 2023. The relations between the informant and accused no.1 were consensual. Only to harass the applicant her name is falsely implicated in the F.I.R. The learned counsel further submitted that

accused no.1 has been released on bail. Custodial interrogation of the applicant is not required, hence requested to allow the application.

4. It is contention of learned APP that the applicant had abetted accused no.1 to commit the crime under section 376 of the I.P.C. The said crime is committed in the house of applicant. It shows her involvement in the said crime. Her custodial interrogation is required, hence requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record.

6. It appears from the F.I.R. that there was first sexual assault by accused no.1 on informant in the year 2017. It is alleged that in the year 2023, the applicant abetted accused no.1 to commit offence against the first informant. It is alleged that the applicant would hold the hands of first informant and thereafter accused no.1 would commit sexual assault on her. It appears from the F.I.R. that the relations between the informant and accused no.1 were consensual. Considering the allegations against the applicant, her custodial interrogation is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.884 of 2023 registered with Sangamner City Police Station, Dist.Ahmednagar, for the offences punishable under sections 376(2)

(n), 504, 506 read with 34 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga