



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 145 OF 2024

Amol Vitthal Patil

... Applicant

VERSUS

The State Of Maharashtra

... Respondent

.....

Mr. A.B. Gaikwad, Advocate for Applicant

Mr. C.V. Bhadane, APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 02nd MAY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.21 of 2024, registered with MIDC CIDCO Police Station, Aurangabad for offences punishable under sections 376, 376(2)(n), 354, 354-C, 324, 323, 506 of the Indian Penal Code.

2. Prosecutrix has lodged FIR alleging she is married, but since April 2022, she is not staying with her husband. In the year 2023, she opened Tinder dating app, at that time, she got acquainted with applicant. In the month of May 2023, applicant called her at 08.00 p.m. at his office. Prosecutrix went there along with her bio-data, then he told her that his wife has left him and is staying at Nashik and he likes her and they will marry after few days. Prosecutrix refused the said

proposal, however, applicant removed her clothes and made her sleep on the sofa and committed rape on her. He took obscene photos and videos of the said act and threatened that if prosecutrix discloses the same to anybody, he will kill her. Thereafter, he again called her at end of May, 2023, when prosecutrix refused, he threatened that he will make the photographs and videos viral. When prosecutrix went there, he took her in his four wheeler, 16 kms. away and raped her in the car. Thereafter, till 04.11.2023, many times he called her to his office and raped her by giving threats.

3. Heard learned advocate for applicants and learned APP for respondent - State. Perused the Investigation papers.

4. Record reveals that prosecutrix is 26 years old married lady. She has alleged that, she was raped during the period between 01.05.2023 to 04.11.2023 by lodging FIR on 12.01.2024. Delay is unexplained.

5. On 24.11.2023, applicant has lodged FIR at C.R. No.0567/2023 with MIDC CIDCO Police Station, Chhatrapati Sambhajnagar against informant, Taher Pathan and Santosh Mundhe alleging commission of offences under sections 384, 419, 420, 465, 467, 468, 471, 506 read with section 34 of the

Indian Penal Code. Prosecutrix was arrested in the said crime and subsequently, she was released on bail.

5. A bond was executed by prosecutrix on 08.11.2023 in favour of applicant, wherein it is stated that prosecutrix is applicant's friend and she is permanently leaving Aurangabad, and therefore, applicant has paid an amount of Rs.4,00,000/- to her. Prosecutrix has undertaken that she will not make any allegations against applicant and she will not keep relations with applicant henceforth.

6. Considering the material collected during investigation, *prima facie*, relations between applicant and prosecutrix appear to be consensual. Applicant's cellphone is already seized and applicant has co-operated in the investigation. Since charge-sheet is filed and the case is not likely to conclude in near future, pre-trial custodial detention of applicant is not necessary in the facts of the present case.

7. Application is therefore allowed by confirming interim protection granted to applicant by order dated 30.01.2024.

8. Applicant shall not tamper prosecution evidence.

**[NITIN B. SURYAWANSHI]
JUDGE**