



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 176 OF 2024

BALIRAM PRABHAKAR SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Vilas P. Savant, Advocate for Applicant

Mr. N.B. Patil, APP for Respondents – State

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 15th FEBRUARY, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.15/2024, registered with Killari Police Station, Latur, for offence punishable under Sections 377, 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. FIR is lodged by applicant's wife Sushma Baliram Shinde, who is serving as police constable, alleging that her marriage with applicant was performed on 06/05/2011. Out of the wedlock two sons are born. Informant is serving as police constable at Traffic Branch, Ratnagiri. In the year 2016, applicant secured job at Collector Office, Ratnagiri. Therefore, they shifted to Ratnagiri along with her in-laws. All the in-laws started ill-treating her on account of payment of dowry and fulfillment of their demand of golden locket. They used to take her ATM card on 25th date of every month and take her salary and used to demand share in agricultural land of her father. She informed about ill-treatment to her maternal

relatives. On 21/05/2023, she came to her maternal home along with her two sons. On 18/06/2023, applicant came to her maternal home and committed unnatural sex with her against her will. On 30/07/2023, again applicant repeated the said act.

3. Heard learned APP for respondents – State and learned advocate for applicant. Perused the investigation papers.

4. FIR appears to be filed out of matrimonial dispute between applicant and informant. On 15/11/2023 informant has complained to Bharosa Cell, Superintendent of Police Office, Latur, wherein she has alleged that her in-laws are repeatedly demanding amount and they are physically and mentally harassing her. In the said complaint allegations under Section 377 are not made by informant. Therefore, *prima facie*, it appears that allegations of commission of offence under Section 377 are afterthought.

5. Applicant was granted interim protection and he has co-operated in the investigation. His medical examination is conducted. Investigation appears to be on the verge of completion. Nothing is to be recovered from applicant. Therefore, his pre-trial custodial detention is not necessary in the facts of present case.

6. In the result, application is allowed by confirming interim protection granted to applicant by order dated 01/02/2024.

(NITIN B. SURYAWANSHI, J.)