



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 303 OF 2024

Devidas Wamanrao Doiphode

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Mr. S.S. Thombre, Advocate for applicant.

Mr. S.R. Yadav Lonikar, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 18th MARCH, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 17 of 2024, registered with Kranti Chowk Police Station, Dist. Aurangabad, for offence punishable under sections 354-D, 376(2)(n), 313, 500 r/w 34 of Indian Penal Code.

2. FIR is lodged by victim a 39 years old lady, on 20.01.2024, alleging that she has given complaint application dated 19.01.2024 with Kranti Chowk Police Station. In addition to that she has stated that in the year 2007-08 she was working in the office of applicant and doing building designing work. She had taken admission to architecture course. She used to intermittently go to the college. While she was working in the

Bhagyawant Punde

applicant's office, applicant had taken undue advantage and had given financial help to her. However, since she fell ill she had left the job. Thereafter, she was residing at Paithan gate hostel and she got acquainted with Padmakar Khekale, uncle. He was not having daughter, therefore he is treating her as his own daughter. Family relations therefore developed with him. His son Ajit was calling her sister. Prior to 8 to 10 days Ajit, forwarded 'I Love You' message on her WhatsApp. When she asked, he explained that, she has taken it in wrong sense and he forwarded the said message as sister to her. Thereafter, Ajit told her that applicant met him and disclosed that he had physical relations with victim. Applicant is defaming her in the society. Ajit has also forwarded I Love You message to her with bad intention and therefore action be taken against both of them.

3. Thereafter, supplementary statement of victim was recorded on 08.02.2024, wherein she alleged that applicant established physical relations with her, due to that her abortion was required to be done.

4. Heard learned advocate for applicant and learned APP for respondents. Perused the investigation papers.

5. Complaint application dated 19.01.2024 given by victim is registered as C.R. No. 7/2024 with Kranti Chowk Police Station. A vague allegation is made in the same that applicant had taken disadvantage of victim, while she was working with him in the year 2007-08. Thereafter, in the supplementary statement recorded on 08.02.2024 she has made allegations of forceful physical relations against her wish and her alleged abortion. All that allegations pertain to year 2007-08.

6. Perusal of investigation papers, *prima facie*, do not reveal any material against applicant. Considering the fact that allegations of year 2007-08 are made in the year 2024, false implication of applicant cannot be ruled out at this stage. Informant has also refused to co-operate in the investigation and handover her cell phone. *Prima facie*, there is nothing on record to confirm her allegation that she has undergone abortion.

7. Applicant is reputed person having deep roots in the society and applicant has movable and immovable property. If arrested, applicant's image will be tarnished. Nothing is to be recovered from applicant. He was granted interim protection and he has co-operated in the investigation and his medical examination is already done. In these facts, his pre-trial

custodial detention is not necessary.

8. In the result, application is allowed by confirming interim protection order dated 26th February, 2024.

9. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]