



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 ANTICIPATORY BAIL APPLICATION NO. 482 OF 2024

Bharat Gulabrao Bargal

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Balasaheb S. Choure

APP for Respondent No.1: Mr. R.B. Dhaware

Advocate for Respondent No.2 : Mr. H.S. Kotecha

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CORAM : SHIVKUMAR DIGE, J.

DATED : 30th JULY, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.368 of 2023 registered with Kranti Chowk Police Station, district Aurangabad, for the offences punishable under Sections 376(2)(N), 377, 498-A, 504, 506 r.w. 34 of the Indian Penal Code.

2. It is the prosecution's case that the informant was married to some person and out of the said wedlock, she is having two children. Her husband was having addiction of liquor and gambling. In the year 2019, the informant came in the contact of the applicant through a spoken English App and he had promised to teach her English Speaking. They used to talk frequently with each other and thereafter, they fell in love which led to relationship between them. Thereafter, on the instructions of the applicant, she obtained divorce

from her husband and married with the applicant on 27.11.2021 and started residing at Aurangabad. During that period, there was marital intercourse between them. Since the date of marriage, she used to bear all the expenses. It is alleged that on 09.11.2023, the applicant committed forcible sexual intercourse without her consent at Mumbai and also prepared its video shooting and forwarded its audio clip to his friend Nitin Satdive on whatsapp. After marriage, they lived together at two places i.e. Aurangabad and Mumbai. For initial period, she was treated well but thereafter, the applicant started harassing her and demanded Rs.2,00,000/- for starting new business and thereby subjected her to cruelty. It is alleged that accused Nos. 2 and 3 are parents of the applicant and in-laws of the informant. They also harassed her and demanded Rs.2,00,000/-. It is alleged that on 25.11.2023 the applicant and co-accused harassed the informant mentally and physically. Thereafter, the informant lodged the complaint against the applicant and the co-accused.

3. It is the contention of the learned counsel for the applicant that the informant married with the applicant. The sexual relations between the applicant and the informant were consensual, as they were husband and wife. The informant is major woman. The matter is settled between the informant and the applicant. The investigation is completed and the charge sheet is filed against the applicant and

the co-accused. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant has sexually assaulted the informant without her consent. The applicant and co-accused harassed and tortured the informant mentally and physically. Considering the allegations against the applicant, the custodial interrogation of the applicant is required and requested to reject the application.

5. The learned counsel for respondent No.2 submits that the matter is settled between the applicant and the informant. The informant has no objection to allow this application.

6. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The informant is major. It appears from the record that the physical relations between the informant and the applicant were consensual. Moreover, the investigation is completed and charge sheet has been filed and the matter is settled between the informant and the applicant. Considering these facts, custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.

- (ii) The interim anticipatory bail granted to the applicant vide order dated 26.03.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

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