



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

17 ANTICIPATORY BAIL APPLICATION NO. 523 OF 2024

1. Vijay Ramlal Chavhan
2. Eknath Ukha Pawar

..APPLICANTS

-VERSUS-

State of Maharashtra

..RESPONDENT

Advocate for Applicants : Mr. N.V. Dhake
APP for Respondent/State: Mr.R.B. Dhaware

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CORAM : **SHIVKUMAR DIGE, J.**
DATE : 15th July, 2024.

P.C.:

1. The applicants apprehend arrest in connection with FIR No.78 of 2024 registered with Pahur Police Station, Dist. Jalgaon, for the offences punishable under sections 376(1), 376(2)(D), 354, 354(D), 341, 323, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC").
2. It is prosecution's case that on 23rd February, 2024, at around 1.30 p.m., when the victim was going to her field, at that time, co-accused Rahul Jogi went near the informant, held her hands and he was harassing her. Informant told him not to harass her. At that time, it is alleged that the applicants came there and they were harassing the informant. They harassed informant and forced her to fell on ground. The informant was crying loudly. Due to her cry, co-accused Rahul ran away. As the applicants were not leaving the informant, hence

informant tried to strangle herself by putting rope around her neck. Seeing that the applicants ran away from the incident spot by threatening her that if she discloses the said incident to anybody, they will kill her husband and children. The informant lodged the complaint on the same day with the police. The police registered offence against the applicants and co-accused under sections 354, 354-D, 341, 323, 504, 506 read with 34 of the I.P.C. Thereafter, the supplementary statement of the victim was recorded on 28th February, 2024 and in the said supplementary statement, informant has alleged that the applicants inserted fingers in her private part when she had fallen on ground. Considering supplementary statement, the police registered offence against the applicants under section 376 and other offences.

3. It is contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. There is five days delay in recording the supplementary statement of the informant of the allegations of rape. Considering the allegations against the applicants, their custodial interrogation is not required, hence requested to allow the application.

4. It is contention of the learned APP along with learned counsel for the assisting to P.P. that the applicants have sexually assaulted the victim when she was going to her field. The applicants are influential persons. The applicants have recorded the video of incident in mobile. Custody of the applicants is required to recover the mobile. If the

applicants are released on anticipatory bail, they may influence the prosecution witnesses, hence requested to reject the application.

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

6. In the initial complaint dated 26th February, 2024, the informant has alleged that the applicants have outraged her modesty. Supplementary statement is recorded after five days of the incident. In the said supplementary statement, she has alleged that the applicants inserted fingers in her private part. No reason for delay in recording supplementary statement is given. In the supplementary statement, the informant has stated that before the actual incident the applicants had recorded the incident in mobile but it is not mentioned that the incident of alleged rape is recorded in the mobile. Considering the allegations against the applicants, their 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 applicants in connection with FIR No.78 of 2024 registered with Pahur Police Station, Dist. Jalgaon, for the offences punishable under sections 376(1), 376(2)(D), 354, 354(D), 341, 323, 504, 506 read with 34 of the Indian Penal Code, the applicants be released on executing personal bond in the sum of Rs.15,000/- each with one surety of the like amount by each of them,

on the following conditions :-

- (a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.
- (b) the applicants shall not enter in the village where the informant stays till framing of the charge.

[SHIVKUMAR DIGE, J.]

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