



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

941 ANTICIPATORY BAIL APPLICATION NO. 615 OF 2024

Santosh Sahebrao Gavade

..APPLICANT

-VERSUS-

1. The Superintendent of Police
2. The Police Station Officer

..RESPONDENTS

Advocate for Applicant : Mr. R.R. Karpe
APP for Respondent/State: Mr.R.B. Dhaware
Advocate for assist to P.P. : Mr. N.V. Gaware

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 23rd July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.121 of 2024 registered with Belwandi Police Station, Tq. Shrigonda, Dist.Ahmednagar, for the offences punishable under sections 376, 341 and 506 of the Indian Penal Code (For short, "IPC").
2. It is prosecution's case that the informant lodged the complaint to the police alleging that the applicant stays near her house. On 11th January, 2024 at about 2:00 p.m., when the informant was present in her house, the applicant barged in the house of informant and he forcibly hugged her and asked the informant to keep physical relations with him else he threatened to kill husband and children of the informant. It is alleged that due to fear the informant did not tell the said fact to her husband. It is alleged that on 12th January, 2024 around

4:00 p.m. when the informant was going to her field, at that time, the applicant obstructed the informant by motorcycle and asked her to sit on motorcycle and if she shouted, he will kill her husband and children. It is alleged that the applicant forcibly made the informant to sit on motorcycle and took her to village Ramling Shirur. There he sexually assaulted her by intimidating her. It is alleged that thereafter the applicant left the informant there and went away. Thereafter, the informant lodged the report with the police with the help of her brother.

3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The relations between the applicant and informant were consensual. The police has recorded the statement of informant on 20th January, 2024 and in the said statement, she has stated that she had love affair with the applicant and she suo-moto had gone with the applicant. The learned counsel further submitted that considering the allegations against the applicant, his custodial interrogation is not required, hence requested to allow the application.

4. It is contention of the learned APP and the learned counsel for assist to P.P that the allegations against the applicant are serious. He sexually assaulted the informant without her consent by threatening her. The applicant had kidnapped the informant against her wish. Considering the allegations against the applicant, his custodial interrogation is required, 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. There are two months and eleven days delay in lodging the F.I.R. In the statement before the police, the informant has stated that she had gone suomoto with the applicant and she has no complaint against the applicant. Informant is major. Considering the allegations against the applicant, his 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 applicant in connection with FIR No.121 of 2024 registered with Belwandi Police Station, Tq.Shrigonda, Dist. Ahmednagar, for the offences punishable under sections 376, 341 and 506 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]