



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 BAIL APPLICATION NO. 700 OF 2024

AVINASH @ ANGAD PANDITRAO THORAT
VERSUS
THE STATE OF MAHARASHTRA

WITH
CRIMINAL APPLICATION NO. 2382 OF 2024
IN BA/700/2024

...
Mr.Vaibhav V. Kulkarni Advocate for Applicant in Bail
Application No.700 of 2024.
Mr. D.J. Patil, A.P.P. for Respondent – State.
Mr. Sagar S. Ghumare Advocate for applicant in Criminal
Application No.2382 of 2024.

...
CORAM: S.G. MEHARE, J.

DATE : 25th JUNE, 2024

ORDER :

1. Heard learned counsel for the applicant and learned APP for the State.
2. Applicant seeks bail in Crime No. 354 of 2023 registered with Ashti Police Station, Taluka-Partur, District-Jalna for the offence punishable under Sections 376, 376(1), 376(2)(N), 452, 323 and 506 of the Indian Penal Code.

3. The applicant and victim, who is a married woman, were in relationship. It has been alleged against the applicant that the applicant used to sex with her without her desire and under threats. He did sex repeatedly with her under the threat to kill herself and her daughter. Lastly when her atrocities were intolerable, she lodged the report.

4. Learned counsel for the applicant submits that since there was family dispute on land, applicant has been roped in a false crime. There was inordinate delay in lodging the First Information Report. The investigation has been completed. Nothing is to be recovered from the applicant. The victim never sustained injuries. Therefore, it is difficult to accept the case of forcible sex. The applicant is unmarried. He has been made scapegoat.

5. Learned APP and learned counsel for the complainant have strongly opposed the application. They have argued that the applicant has antecedents to his discredit and many cases have been registered against him for body offence and also sexual offence. Since the victim was consistently threatened, she could not made the offence public. She was afraid of the applicant but when his atrocities became intolerable, she lodged the report.

6. Learned counsel for the complainant also submits that the father, brother and wife of brother had threatened the complainant victim to take the report back. She lodged the N.C. against them on 28th January 2024.

7. They have common argument that it will be harmful to release the applicant as the life of victim and her family members is in danger at the hands of the applicant. The offence is serious. Hence he does not deserve bail.

8. Learned counsel for the applicant, in reply, would submit that the applicant has been acquitted in two cases, one is of body offence and one is of sexual offence and other cases are pending. The N.C. was registered to counter the report lodged by the wife of brother of the applicant against the husband of the victim.

9. Admittedly the report was not immediately lodged. However, specific allegations have been levelled against the applicant that he was doing sex continuously under the threat to kill the victim and her daughter. The applicant has a bad past. He was involved in body and sexual offences. So the possibility of

threats cannot be ruled out. Specific allegations have been levelled against the applicant how he committed forcible sex. The allegations does not depict the consensual sex. No woman would put her life at stake for the land dispute. Considering the specific allegations levelled against the applicant and his past, the Court is of the view that it would not be safe to grant the bail to him.

10. For the above reasons, the Bail Application No.700 of 2024 stands dismissed.

11. Criminal Application No.2382 of 2024 also stands disposed of.

[S.G. MEHARE, J.]