



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

944 ANTICIPATORY BAIL APPLICATION NO. 693 OF 2024

RIYAZALI RAJJAK SAYYED

VERSUS

THE SUPERINTENDENT OF POLICE AND OTHERS

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Advocate for Applicant : Mr. More P. P.

APP for Respondent/State : Mr.R.K. Ingole

Advocate for Respondent no.3 : Ms.Pooja Kishor Apache (Appointed)

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CORAM : SHIVKUMAR DIGE, J.

DATE : 20th August, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.224 of 2024 registered with Gandhi Chowk Police Station, Tq. & Dist. Latur, for the offences punishable under sections 376(2)(n), 323, 504 and 506 of the Indian Penal Code (For short, "IPC").

2. It is prosecution's case that on 26th January, 2019, the informant and applicant got acquaintance with each other through Facebook. Their friendship developed into love affair. It is alleged that thereafter the applicant proposed the informant for marriage and on the promise of marriage, the applicant sexually assaulted the informant on several occasions and thereafter he refused to marry with the informant.

3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this crime. The informant is major. The physical relationship between the informant and the applicant were consensual. There is delay in lodging the F.I.R. as

alleged first incident happened in the year 2019 and F.I.R. is lodged in the year 2024. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is contention of the learned APP along with the learned counsel for respondent no.3 that the applicant sexually assaulted the informant on the promise of marriage. The applicant cheated the informant as he refused to marry with her. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

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

6. The allegations against the applicant are that he sexually assaulted the informant by giving promise of marriage. The informant is major. It appears that the relationship between the applicant and informant were consensual. Considering these facts, the custodial interrogation of the applicant 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.224 of 2024 registered with Gandhi Chowk Police Station, Tq. & Dist. Latur, for the offences punishable under sections 376(2)(n), 323,

504 and 506 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.25,000/- 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.

(II) Fees of Rs.5,000/- be paid to Ms.Pooja Kishor Apache, the learned counsel appointed to represent the cause of respondent no.3 through the High Court Legal Services Sub-Committee, Aurangabad.

[SHIVKUMAR DIGE, J.]

sga