



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

972 ANTICIPATORY BAIL APPLICATION NO. 820 OF 2024

Vijay Laxman Pawar

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. V.D. Gunale

APP for Respondents: Mr. Satish A.Gaikwad

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CORAM : SHIVKUMAR DIGE, J.
DATED : 21st JUNE, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.116 of 2024 registered with Udgir Rural Police Station, district Latur, for the offence punishable under sections 376, 376(2)(N), 376(I), 506 of the Indian Penal Code (For short, "IPC").

2. It is the prosecution's case that on several occasions the applicant had committed sexual assault on the victim on the pretext of performance of marriage. Thereafter, he refused to marry with the victim.

3. It is the contention of the learned counsel for the applicant that the victim is major. The physical relations between the victim and applicant were consensual. There is two months delay in lodging the

F.I.R. The applicant is Government servant as he works in the Indian Army. The custodial interrogation of the applicant is not required. Hence he requested to allow the application.

4. It is the contention of the learned APP that the applicant has sexually assaulted the victim on several occasions on the pretext of performance of marriage. The applicant has cheated the victim. Though there was consent of the victim, it was given as the applicant had promised her for marriage, so it cannot be considered as free consent. The custodial interrogation of the applicant is required and he requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The age of the applicant is 22 years. It appears from the F.I.R. that on four occasions the applicant had sexually assaulted the victim. The applicant is major. Prima facie, it appears that the relations between the applicant and victim were consensual. Considering the nature of 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 crime No.116 of 2024 registered with Udgir Rural Police Station, district Latur, for the offence punishable under sections 376, 376(2)(N), 376(I), 506 of I.P.C. 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.

(b) the applicant shall co-operate to the investigating officer as per the required of investigating office for medical examination etc..

(SHIVKUMAR DIGE, J.)

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