



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 ANTICIPATORY BAIL APPLICATION NO. 839 OF 2024

Jay Laxman Kaygude

VERSUS

The State of Maharashtra and another

...

Advocate for Applicant : Mr. Suhas P. Urgunde

APP for Respondents: Ms. V.S. Chaudhari

Advocate for respondent No.2 : Mr. B.N.Magar

.....

CORAM : SHIVKUMAR DIGE, J.

DATED : 21st JUNE, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.169 of 2024 registered with Karjat Police Station, district Ahmednagar, for the offence punishable under sections 354, 354-A, 506, 376 of the Indian Penal Code (For short, "IPC").

2. Initially, the offence under Section 354 and 354-A, 506 of I.P.C. was registered against the applicant and in the said offence, the applicant had sought anticipatory bail on 3.4.2024. Thereafter, a supplementary statement of the victim was recorded by the police and in the said supplementary statement, the victim has alleged that the applicant has committed rape on her. On the basis of the supplementary statement of the victim, an offence under Section 376 of I.P.C. has been added.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case, as the applicant was released on anticipatory bail by the Sessions Court, hence, the allegations of rape are made against the applicant. In the first F.I.R. no allegation of rape is made against the applicant. The applicant has obeyed the conditions imposed while granting anticipatory bail. The victim is major and due to family dispute the applicant has been falsely implicated in this case. Hence he requested to allow the application.

4. It is the contention of the learned APP that the applicant has committed rape on his sister in law by threatening her. There is no reason to the victim to implicate the applicant in a false case. Initially, due to fear of in-laws, the complainant did not mention about the act of rape in the first F.I.R. The custodial interrogation of the applicant is required. Hence she requested to reject the application.

5. Learned counsel for respondent No.2 submitted that the matter is settled out of Court between the applicant and the victim. The victim has no objection to allow this application. He further submitted that the victim is present in the court.

6. I have heard all the learned counsel. In initial F.I.R. filed by the

victim, no allegations of rape are made against the applicant. After the applicant released on anticipatory bail in the first F.I.R., the allegations of rape are made against the applicant. As per the contentions of learned counsel for the applicant the victim has no any complaint against the applicant. Considering the nature of allegations made against the applicant, the custodial interrogation of the applicant is not required. Hence, 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.169 of 2024 registered with Karjat Police Station, district Ahmednagar, for the offence punishable under sections 354, 354-A, 506, 376 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.

(SHIVKUMAR DIGE, J.)