



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

959 ANTICIPATORY BAIL APPLICATION NO. 850 OF 2024

Ramprasad Harji Pathade

VERSUS

The State Of Maharashtra and another

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Advocate for Applicant : Mr. Prashant P. Giri

APP for Respondents: Mr. P.K. Lakhotiya

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CORAM : SHIVKUMAR DIGE, J.
DATED : 19th JULY, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.673 of 2023 registered with Hingoli Rural Police Station, district Hingoli, for the offences punishable under Sections 376, 448, 506 r.w. 34 of the Indian Penal Code.

2. It is the prosecution's case that the informant is sexually assaulted firstly by accused No.1. Thereafter, she was sexually assaulted by the applicant on the count that she had illicit relations with accused No.1 and thereafter the informant was sexually assaulted by accused No.3. The allegations against the applicant are that on one day, he barged in the house of the informant and sexually assaulted her and he threatened her that if she discloses about sexual assault to anyone, he will kill her husband and children.

3. It is the contention of the learned counsel for the applicant that after three months of the incident the complaint is lodged against the applicant. During pendency of this application, the applicant was on interim anticipatory bail. The applicant has given blood sample, nail-clip, hair swab etc. to the investigating officer. 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 informant by barging in her house. The informant has no reason to state against the applicant. Learned A.P.P. further submitted that in the statement of the informant recorded under Section 164 of Cr.P.C. she has categorically stated about the act of the applicant. 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 the police papers produced on record. The charge sheet has been filed by the police. The applicant has co-operated the investigating officer during pendency of this application. He has given his blood sample, nail-clip, hair swab etc. to the investigating officer. There is

delay of three months to lodge the complaint against the applicant. Considering the allegations against the applicant as well as the fact that he has co-operated the investigating officer, his custodial interrogation is not required and I pass the following order :-

ORDER

- (i) The application is allowed.

- (ii) The interim anticipatory bail granted to the applicant vide order dated 22.05.2024 stands confirmed on the same terms and conditions with following modification:-
 - (a) the applicant shall not enter in the village where the victim stays i.e. village Chorjavla, Tq. and District Hingoli, till framing of the charge.

(SHIVKUMAR DIGE, J.)

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