

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

908 ANTICIPATORY BAIL APPLICATION NO. 916 OF 2024

AJAY SATISH GANAKAWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Kulkarni Suvidh S.
APP for Respondents: Mr. N.B.Patil
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CORAM : KISHORE C. SANT, J.
DATE : 08th AUGUST, 2024.

PER COURT :

1. Heard the parties.
2. This application is for releasing the applicant on bail, in the event of his arrest, in connection with the Crime No. 163 of 2024 registered with Kranti Chowk Police Station, District Aurangabad, for the offences punishable under Sections 376 (2) (n) and 506 of the Indian Penal Code.
3. The prosecution case in short is that the prosecutrix and the present applicant reside in the same lane. Some time in August, 2022 he expressed his love towards the prosecutrix

and thereafter started sending messages on Whats App Chats. Thereafter on 25.08.2022 he called the prosecutrix to his residence and established physical relations with her. Thereafter from time to time he, by blackmailing her took her to Verul in a lodge and kept physical relations. The last such incident reported is dated 10.03.2024. However, on that day when the prosecutrix insisted for marriage the applicant refused to get married with her. It is on this a complaint came to be lodged.

4. Learned Advocate submits that the prosecutrix is major, for almost for 1 and ½ years, she did not make any complaint. Version of prosecution itself shows the relationship is consensual relationship. He has placed on record a chat history of the Whats App messages. He submits that the said chat history clearly shows that she had regular chats with the applicant. There is no explanation for delay in lodging the FIR. He thus, submits that now even the charge sheet is filed and there is nothing in the charge-sheet to show that the applicant tried to pressurize any of the witnesses of the prosecution. Hence he prays for allowing the application.

5. Learned APP opposed the application vehemently. He submits that offence is serious offence and the punishment provided is 10 years. From the FIR it is seen that under the threat of blackmailing the prosecutrix he has kept physical relations. He further submits that on 17.06.2024 an N.C. was registered against the applicant by the prosecutrix wherein, it is alleged that the applicant asked her to withdraw the case and offered Rs. 5,00,000/-. He also gave threats to the prosecutrix.

6. In the charge-sheet there is statement of a mother of the prosecutrix, who stated that there are relations, however, a complaint was lodged after he refused to marry the prosecutrix. All these things show that the relationship was a consensual relationship, as now the charge sheet is also filed. Though N.C. was registered on 17.06.2024, however, nothing further has been done by the prosecutrix.

7. While granting the bail, it is necessary to impose certain conditions upon the applicant. Considering the above, this Court is inclined to allow the application, hence the following order :

ORDER

i) The application stands allowed and disposed off.

ii) The applicant shall be released on bail, in the event of his arrest, in connection with Crime No. 163 of 2024, registered with Kranti Chowk Police Station, Aurangabad, for the offences punishable under Sections 376 (2) (n) and 506 of the Indian Penal Code, on executing P.R. bond in the sum of Rs. 15,000/- (Rs. Fifteen Thousand Only) alongwith a solvent surety in the like amount.

(iii) The applicant shall not try to contact the victim and her relatives.

(iv) The applicant shall attend concerned police station once in a month i.e. on first Sunday of every month from 10.00 a.m. to 12.00 noon.

v) The applicant shall not stay in the area within the jurisdiction of Kranti Chowk Police Station, Aurangabad.

(vi) The applicant shall keep informed the concerned police station about his contact details such as residential address, mobile

numbers etc.

(vii) In case of breach of any condition, this order is liable to be cancelled.

(KISHORE C. SANT)
JUDGE

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