



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

**950 ANTICIPATORY BAIL APPLICATION NO. 935 OF 2024**

Shiva S/o Sukhdev Sathe

..APPLICANT

-VERSUS-

1. The Commissioner of Police
2. The Police Inspector

..RESPONDENTS

Advocate for Applicant : Mr. V.S. Wakale

APP for Respondent/State: Mr.C.V. Bhadane

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 2<sup>nd</sup> July, 2024.

**P.C.:**

1. The applicant apprehends arrest in connection with FIR No.0104 of 2024 registered with Begumpura Police Station, Aurangabad City, for the offence punishable under section 376 of the Indian Penal Code (For short, "IPC").
2. It is the prosecution's case that there was engagement of marriage between applicant and the victim. On that count, the applicant sexually assaulted the victim on 12<sup>th</sup> April, 2024.
3. It is contention of learned counsel for the applicant that during pendency of this application, the applicant and victim has performed the marriage in presence of their families. Age of informant is major, hence, requested to allow the application.
4. Learned APP, on instructions, submits that the applicant and victim has performed marriage on 5<sup>th</sup> May, 2024, hence requested that

appropriate order be passed.

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

6. The first informant is major. The applicant has performed marriage with the first informant and they are residing together. The police recorded the supplementary statement of the victim on 14<sup>th</sup> June, 2024. In the said supplementary statement, she has stated that she has performed marriage with the applicant and she has no complaint against him. Considering the above, 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.0104 of 2024 registered with Begumpura Police Station, Aurangabad City, for the offence punishable under section 376 of the Indian Penal Code, 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. ]