



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

959 ANTICIPATORY BAIL APPLICATION NO. 938 OF 2024

Vitthal Navnath Sawalkar

..APPLICANT

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicant : Mr.M.L. Dharashive
APP for Respondent/State: Ms.P.V. Diggikar

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 11th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.0195 of 2024 registered with Police Station Shivaji Nagar, Latur, Dist. Latur, for the offences punishable under sections 376, 376(2)(n) and 506 of the Indian Penal Code (For short, "IPC").
2. It is prosecution's case that the informant is married and she had been to Latur for preparing the competitive exam. She had love with applicant. It is alleged that the applicant sexually assaulted the victim on the promise of marriage with her on several occasions. It is alleged that the applicant took nude photographs of the victim and he performed marriage with other girl.
3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The learned counsel further submitted that the physical relations between the applicant and

victim were consensual relations. Victim is married and she is major. Considering the allegations against the applicant, custodial interrogation of the applicant is not required, hence requested to allow the application.

4. It is contention of the learned APP that the applicant sexually assaulted the victim on the promise of marriage on several occasions. The applicant has taken nude photographs of the victim. Custodial interrogation of the applicant is required, hence requested to reject the application.

5. I have heard all the learned counsel. Perused the F.I.R. and police papers produced on record.

6. The victim is major and married. She has son and daughter from her marriage. Duration of the alleged incident is between 2013 to 2024. Considering these facts, it appears that the physical relations between the applicant and victim is consensual. The custodial interrogation of the applicant 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 FIR No.0195 of 2024 registered with Police Station Shivaji Nagar, Latur, Dist. Latur, for the offences punishable under sections 376, 376(2)(n) and 506 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.]

sga