



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 BAIL APPLICATION NO. 1176 OF 2024

PANKAJ GANESH RAWALKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Rohit P. Patwardhan h/f Mr.

Jadhav Satej S.

APP for Respondent/s-State : Mr. S. B. Pulkundwar.

Advocate for Respondent No.2 : Mr. Pande Balraj Prakash.

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CORAM : S. G. MEHARE, J.

DATE : 12.08.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the victim/respondent No.2.

2. The applicant seeks bail in Crime No.116 of 2024, registered with Shillegaon Police Station, District Aurangabad, for the offences punishable under Sections 306, 376(2)(N) read with Section 34 of the IPC.

3. The victim was 25 years old. The victim and the applicant were in relationship since 2016 to 2019. They were living together like live-in relationship. It has been alleged against the applicant that under the promise to marry, he did

forceful sex, but did not marry her. Hence, she committed suicide.

4. Learned counsel for the applicant would submit that the allegations have been made out the anger. The victim was major. Even if the case of the prosecution is accepted as it is, at this juncture it may not be said that the offence of sexual assault has been committed. The victim was a major and able to understand the consequences of the acts done by her. she was voluntarily residing with the applicant. The investigation has been completed. Nothing is to be recovered from the applicant.

5. Learned APP and learned counsel for the victim have strongly opposed the application. Learned counsel for the victim read the statement of the deceased as to the cause of death and argued that the intention of the applicant appears clear to cheat her and have a sex with her under the false promise to marry her. The offence is serious. Due to the acts of the applicant, victim lost her life. Therefore, bail may not be granted.

6. Considering the age and longstanding live-in relationship of the applicant, it is the matter of evidence before the Trial Court whether the acts of the applicants were abetment to

commit suicide. It would also the question whether doing sex under the promise to marry amounts to an offence. *Prima facie* it appears that the victim was living voluntarily for a long period with the applicant. She was a major. Nothing is to be recovered from the applicant. He is a young boy of 26. For these reasons, the Court is of the view that his detention would serve no purpose. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **PANKAJ GANESH RAWALKAR** be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) The applicant should not tamper with the prosecution witnesses.
 - (b) He should attend the trial on each and every date.

(S. G. MEHARE, J.)

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