



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

918 ANTICIPATORY BAIL APPLICATION NO. 1201 OF 2024

VIJAY HANMANTRAO PATIL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Deshmukh Umakant B.

APP for Respondent/State : Mr. P.P. Dawalkar

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 20th August, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.168 of 2023 registered with Mukhed Police Station, Tq. Mukhed, Dist.Nanded, for the offence punishable under sections 365, 366, 376, 506 of the Indian Penal Code (For short, "IPC").
2. It is prosecution's case that the applicant is close relative of the prosecutrix. On 29th May, 2023, the applicant forcibly taken away the prosecutrix on his motorcycle. The informant-father of the prosecutrix lodged the complaint of kidnapping of prosecutrix. The prosecutrix found after 10 months of the incident. It is alleged that during that period, the applicant sexually assaulted the prosecutrix.
3. It is contention of the learned counsel for the applicant that the prosecutrix is major. She willfully had gone with the applicant. She did not make any hue and cry when she was going with the applicant. The relations between the applicant and prosecutrix were consensual. The

custodial interrogation of the applicant is not required and requested to allow the application.

4. It is contention of the learned APP that the applicant had kidnapped the prosecutrix by threatening her that he will kill her son. He detained the prosecutrix for 10 months and sexually assaulted her. 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 police papers produced on record.

6. The prosecutrix is major. She stayed with the applicant for 10 months. It appears that she had willfully gone with the applicant and physical relationship between them were consensual. Considering these facts, 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.168 of 2023 registered with Mukhed Police Station, Tq. Mukhed, Dist. Nanded, for the offence punishable under sections 365, 366, 376, 506 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.20,000/- 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