IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

971 ANTICIPATORY BAIL APPLICATION NO. 1373 OF 2024

Ahmed Burhanuddin Kazi
VERSUS
The State of Maharashtra
...
Advocate for Applicant : Mr. Abhaysinh K. Bhosle
APP for Respondents: Mr. S.B. Narwade
Advocate to assist the A.P.P. : Mr. K.P. Rodge
.....

CORAM : SHIVKUMAR DIGE, J.
DATED : 3rd SEPTEMBER, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.172 of 2024 registered with Begumpura Police Station, district Aurangabad, for the offences punishable under Sections 376(2)(N) and 313 of the Indian Penal Code.

2. It is the prosecution's case that on 23.7.2022 at 7.00 p.m. the informant was sexually assaulted by the applicant on the promise of marriage. It is alleged that thereafter also the applicant sexually assaulted the informant on several occasions. It is alleged that due to the sexual assault, the informant got pregnant. When the applicant came to know about the pregnancy, he gave pills to the informant and after taking those pills, there was miscarriage.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The relations between the applicant and the informant were consensual. The informant is major. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant sexually assaulted the informant under the promise of marriage. Thereafter, he refused to marry with the informant. Due to the sexual assault by the applicant the informant got pregnant. When the applicant came to know about her pregnancy, he gave pills to the informant and after taking those pills, there was half miscarriage only. Hence, the informant was taken to the hospital and there her complete abortion was done. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. The learned counsel for the assist the A.P.P. submits that the matter is settled between the parties. The informant has no objection to allow the bail application.

6. I have heard all the learned counsel. Perused the F.I.R. and

the police papers produced on record. The age of the informant is 25 years. It appears that the relations between the informant and the applicant were consensual. Moreover, the informant has no objection to allow the application. Considering these facts, the custodial interrogation of the applicant is not required and I pass the following order :-

O R D E R

(i) The application is allowed.

(ii) The interim anticipatory bail granted to the applicant vide order dated 12.08.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

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