



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

999 ANTICIPATORY BAIL APPLICATION NO. 1482 OF 2024

LAXMAN UKHA PATIL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Deshmukh Aniket V.
APP for Respondent/State : Mr. P.P. Dawalkar
...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 6th September, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.0504 of 2024 registered with Dhule Taluka Police Station, Dist. Dhule, for the offences punishable under sections 376(2)(n), 354-D, 452 and 506 of the Indian Penal Code (For short, "IPC").
2. It is prosecution's case that the informant had acquaintance with applicant. On 4th May, 2024, when no one was in the house of the informant, the applicant barged in the house of the informant and sexually assaulted her. It is alleged that thereafter on 12th June, 2024, the applicant barged in the house of the informant and pulled her hand. When her husband woke up, he ran away. It is alleged that thereafter, the applicant made phone call to the informant and asked her to come out the house else he will defame the informant and threatened to kill informant's husband and children. Due to threat of the applicant,

informant came out of her house and went at the place told by the applicant. It is alleged that the applicant took the informant to Panvel on his motorcycle, from there took her to Indore and thereafter he took her to Virar and detained her and taken her on the room of his friend. There they stayed for six days. During that period, he sexually assaulted the informant. It is alleged that during that period, the applicant would threat the informant that he will kill her husband and children.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. Relations between the applicant and informant are consensual. The informant is major. She herself had eloped with the applicant. When the informant had eloped with the applicant, at that time, the husband of the informant had lodged missing complaint with the police. When the informant came to home, the police recorded her statement on 23rd June, 2024. In the said statement, she had stated that she had gone with the applicant with her consent and she has no complaint against anyone. Thereafter to harass the applicant, the present crime is registered and requested to allow the application.

4. It is the contention of the learned APP that the applicant had threatened the informant and sexually assaulted the informant. She kidnapped the informant and taken to various places and sexually assaulted her. It shows his involvement in the crime. Considering the

allegations against the applicant, the custodial interrogation of the applicant 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. It appears from the police papers that when the informant was missing from her house, her husband had filed missing complaint with the police. When informant came to her home, police has recorded her statement. In the said statement she has stated that, she willingly had gone with the applicant and she has no complaint against any one. Thereafter, the present F.I.R. is lodged against the applicant. The informant is major. It appears that physical relationship of the applicant and informant is consensual. Considering these aspects, 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.0504 of 2024 registered with Dhule Taluka Police Station, Dist.Dhule, for the offences punishable under sections 376(2)(n), 354-D, 452 and 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