



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1650 OF 2024

Gajanan Vilas Sable

VERSUS

The State Of Maharashtra And Another

- Mr. A. T. Jadhavar, Advocate for the Applicant
- Mr. S. V. Hange, AGP for the Respondent/State

CORAM : R.M. JOSHI, J

DATE : DECEMBER 03, 2024

PER COURT :

1. Suo moto this motion is moved for speaking to minutes in order dated 03.10.2024.

2. In said order, wherever date 07.12.2020 is appearing it should be read as 07.12.2020.

3. Applicant apprehends arrest in connection with Crime No. 214 of 2024 registered with Goregaon Police Station, Dist. Hingoli for the offences punishable under Sections 376(2)(f), 376(2)(n), 313, 465, 471, 504, 506 read with Section 34 of the Indian Penal Code.

4. First informant is lady aged about 28 years. She claims to have married in the year 2015 and her husband died in 2018. Report indicates that on

07.12.2020 at about 06.00 pm Applicant came to her house and established forcible physical relations with her. At that time, Applicant said to have been agreed to marry her. He also threatened her to commit suicide if she registered a police case. It is also stated that even thereafter he promise her to marry and hence, relations were established between them. There is also allegation that there was a termination of pregnancy by administering her some pills.

5. Learned Counsel for the Applicant submits that both Applicant as well as Informant are major and even if it is accepted that there was physical relationship between them owing to the period gone in between from first instance till lodging of the report, it can be said that the said relationship is consensual in nature. He, therefore, seeks confirmation of interim relief.

6. Learned APP opposed the application on the ground of seriousness of the crime.

7. Perusal of the FIR indicates that there is case of the informant about Applicant establishing

forcible physical relationship with her on 07.12.2020, the report of the same is lodged after four years. Once it is claimed that it was a forcible physical relationship, the allegation with regard to the false promise of marriage cannot be considered. Applicant and Informant are major. Though there is allegation against the Applicant of causing termination of permanency, there is no material found during the course of investigation to support the said allegations.

8. Applicant's liberty was protected and has appeared before the investigating agency. He has no criminal history. Hence, it is a it case to confirm the interim relief. In the result, application is allowed by confirming interim order dated 03.10.2024.

(R.M. JOSHI, J.)