



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1623 OF 2023

Amol Shobha Kachare

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Mr. A.D. Kulkarni, Advocate for applicant.

Mr. S.B. Jadhav, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 5th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 1028/2023, registered with Tofkhana Police Station, Ahmednagar, for offence punishable under sections 376(2)(n) and 504 of Indian Penal Code.

2. FIR is lodged by informant, who is 29 years old widow and mother of eight years old son alleging that after the death of her husband in the year 2020, she has been residing with her mother and brother. Applicant is her neighbour and works as construction worker. Informant wanted to buy new house and therefore she got acquainted with applicant. They exchanged their mobile numbers. Their acquaintance turned in friendship. Applicant established physical relations with her on

Bhagyawant Punde

the false promise of marriage. During the period between 07.11.2022 to 15.07.2023, applicant forcibly kept physical relations with informant against her wish on the false promise of marriage.

3. Heard learned advocate for applicant and learned APP for respondents. Perused the investigation papers.

4. Applicant claims to be unmarried person. According to him relations with informant were consensual and at no point of time he has given her false promise of marriage.

5. *Prima facie*, there appears substance in the contention of applicant that relations between applicant and informant were consensual. Offence is registered on 07.11.2022 and investigation appears to be almost complete. Cell phone of applicant is already recovered. Nothing is to be recovered from applicant, therefore, pre-trial custodial detention of applicant is not necessary in the facts of the present case.

6. In the result, application is allowed by confirming interim protection granted to applicant by order dated 18.10.2023.

7. Till filing of charge-sheet, applicant shall attend the concerned police station as and when called by the Investigating Officer, and co-operate with investigation. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]