



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1869 OF 2023

Harish Ramji Varma

... Applicant

VERSUS

The State Of Maharashtra

... Respondent

.....

Mr. Rajendra H. Wagh, Advocate for the Applicant

Mr. S.B. Jadhav, APP for Respondents – State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd JANUARY, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No. 352 of 2023 registered with City Chowk Police Station, Aurangabad for offence punishable under section 376 of the Indian Penal Code.

2. Prosecutrix has lodged FIR alleging that applicant is running catering business and she was working with him. Applicant called her at his home on the pretext of delivery of catering order. When prosecutrix went to his house, he gave her juice. On drinking it, prosecutrix lost her consciousness. He regained her consciousness after about half an hour. At that time, she realized that she was having no clothes on her

person and applicant was lying naked next to her. When prosecutrix tried to raise hue and cry, applicant told her that he has obtained video of the sexual act and whenever he calls her she will have to come to him, otherwise he will make the video viral. Under the said threat, since last five months, applicant is committing rape on her. Applicant also gave threat to her that if she lodges FIR against him, he will kill her and her child. Fed up with harassment of accused, she went to Jodhpur (Rajsthan) to live. Applicant is forwarding videos to her relatives and blackmailing her.

3. Heard learned advocate for applicant and learned APP for respondent – State. Perused the papers of investigation.

4. *Prima facie*, there appears substance in the contention of appellant that the relations between appellant and prosecutrix were consensual.

5. Charge-sheet is filed in the present matter on 05.12.2023, and the case is numbered as R.C.C. No.2857 of 2023. during the course of investigation, statements of prosecutrix's relatives were recorded, wherein they have stated that though applicant forwarded objectionable videos to

them, they have deleted it. Cellphone of applicant and cellphones of relatives of prosecutirx are seized by the police and they are forwarded to forensic lab.

6. In view of filing of charge-sheet, further custodial detention of applicant is not necessary. Application is therefore allowed by confirming interim protection granted on 08.11.2023.

7. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane