



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 2109 OF 2023

SAJJAN KISAN NARHEDA
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Mahesh K. Bhosale, Advocate for Applicant
Mr. S.R. Yadav Lonikar, APP for Respondent/State
Ms. Sunita G. Sonawane, Advocate for Informant

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 22nd APRIL, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.789/2023, registered with Rahuri Police Station, Dist. Ahmednagar, for offence punishable under Sections 376(2)(a) and 506 of the Indian Penal Code.

2. Prosecutrix, a 30 years old lady, has lodged FIR alleging that she was cheated by Prashant Chavan. When she went to police station on 04/06/2023, to lodge report against him, she was given mobile number of officer of said police station. She called on that number, she was told to come to police station after two days. She went to police station on 07/06/2023 and came to know that police station officer was retiring. Hence, she entered into cabin of applicant, who inquired about her husband, whether she has come alone or with somebody and her caste. He then asked her how he would be benefited by helping her. Prosecutrix showed willingness

to pay him Rs.50,000/-, but he was expecting sexual favour from her. He then typed her complaint and the same was given to PSO. Applicant was forwarding messages and was making calls on her whatsapp. On 17/07/2023, applicant contacted her and committed sexual intercourse without her consent. It is alleged by prosecutrix that by giving threats to commit rape in front of her children, applicant established forceful physical contact with her from time to time.

3. Heard learned advocate for applicant, learned APP for respondents/State and learned advocate for informant. Perused the investigation papers.

4. During investigation it is transpired that FIR of informant against Prashant Chavan is already registered on 16/03/2024 with Rahuri Police Station, for offences punishable under Sections 406, 420, 504 and 506 of I.P.C. Therefore, allegation made in the FIR that when informant went to lodge complaint against Prashant Chavan, applicant asked for sexual favour, is *prima facie* unbelievable. Investigation indicates strong possibility of consensual relations of applicant and prosecutrix.

5. In the informant's statement recorded under Section 164 of Cr.P.C. no allegation is made that sexual act between applicant and informant was recorded by applicant. FIR is registered

on 19/07/2023. Investigation appears to be on the verge of completion. Applicant being public servant is not likely to abscond if released on bail. Applicant was granted interim protection and he has co-operated in the investigation. Nothing is to be recovered from him.

6. In the result, application is allowed by confirming interim protection granted to applicant by order dated 20/12/2023.

7. Applicant shall not, in any manner, try to contact and/or influence prosecution witnesses.

(NITIN B. SURYAWANSHI, J.)