



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

ANTICIPATORY BAIL APPLICATION NO.1924 OF 2024

. Hardik s/o Hemchandra Soni
Age: 33 years, Occu.: Service,
R/o. : C/o. Hemchandra Suresh Soni,
E-2, Brahmani Park, Maharashtra Colony,
Panchvati, Hirawadi Road, Nashik
Adgaon, Nashik,
At present R/o. : Quarter No.1/1 Deepnagar,
Ordinance Factory, Bhusawal,
Taluka : Bhusawal, District : Jalgaon. ..Applicant

Versus

1. The State of Maharashtra
(Through Taluka Police Station, Bhusawal,
Taluka : Bhusawal, District : Jalgaon)
2. XYZ ..Respondents

...
Advocate for Applicant : Mr.P P. Giri along with Mr.Sohail Subhedar
APP for Respondent no.1 : Mr.S.S.Dande

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**CORAM : ABHAY S. WAGHWASE, J.
(VACATION COURT)**

DATE : 05 NOVEMBER, 2024

PER COURT :-

1. Instant application is for pre-arrest bail including prayers for interim relief in the backdrop of Crime No.0193 of 2024 registered at Taluka Police Station, Bhusawal, District Jalgaon for offence under

Sections 376(1), 376(2)(n), 377, 323, 506 read with Section 34 of the Indian Penal Code (IPC) and under Sections 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act).

2. Learned Advocate for the applicant points out that apparently there is previous acquaintance between victim and applicant. After taking this Court through the FIR, he points out that victim is over 38 years old lady and also a divorcee. That there was initial acquaintance, which later bloomed into love relations. He pointed out that whatever instances of physical intimacy developed between them were purely consensual. That allegations of rape are levelled at a belated stage. That applicant is ready to co-operate with the investigating machinery and is ready to abide all and any conditions, but as on today he seeks interim protection.

3. On going through the FIR, more particularly, running page 29, it is evident that complainant, who is 38 years old, has herself reported Police that there was previous acquaintance and later it developed into love affair and thereafter, she had taken divorce, which was also known to the applicant. Then there are allegations of promise to perform marriage and she has reported instances of

physical intimacy. *Prima facie* it appears that acquaintance is of over two years and apparently, there is love affair.

4. Considering the contents of the FIR and nature of allegations, **interim relief as prayed deserves to be granted till other side is heard.**

ORDER

i) Issue notice to the respondents, returnable on 15-11-2024. Learned APP waives service of notice for the respondent no.1.

ii) In the meantime, in the event of arrest of applicant - Hardik s/o Hemchandra Soni in connection with Crime no. 0193 of 2024 registered with Taluka Police Station, Bhusawal, District Jalgaon for offence under Sections 376(1), 376(2)(n), 377, 323, 504, 506 read with Section 34 of the Indian Penal Code (IPC) and under Sections 3(1)(w)(i), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), he be released on bail on executing Personal Bond and Surety Bond of Rs.15,000/- with one solvent surety in the like amount.

iii) Applicant to attend the concerned Police Station on every Wednesday and Saturday or as when called by the Investigating Officer on prior notice.

- iv) Applicant shall co-operate in the investigation.
- v) Applicant shall not tamper with the prosecution evidence.

ABHAY S. WAGHWASE, J.
(VACATION COURT)

SPT