

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 998 OF 2024

YUGANDHARA
SHARAD
PATIL

Arun Maruti Sonawane

.... Applicant

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YUGANDHARA
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Versus

The State of Maharashtra

.... Respondent

Mr. Narayan G. Rokade a/w U. Deshmukh a/w N. Sharad, for the applicant.

Smt. M.H. Mhatre , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 17th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No. 45 of 2024 registered at Lasalgaon Police Station, Nashik, on 13/02/2024, under Sections 376 (2)(i), 376 (2)(n), 323, 504, 506 of the Indian Penal Code.

2. Heard Mr. Narayan Rokade, learned counsel for the Applicant and Smt. M.H. Mhatre, learned APP for the Respondent-State.

3. The FIR is lodged on 13/02/2024 by the victim herself. She has stated that she was residing with her husband and her step sons. Her husband was doing the labour work. The present Applicant was her nephew. She had difficulty in her eyesight. It is alleged that since the last six months the Applicant used to come to her house. Initially he tried to keep physical relations. On one occasion, he kept physical relations against her wish. He threatened her that he would take her photographs and show it to her husband. It is her case that after that he used to come to her house frequently when she was alone in the house to keep physical relations. It is her case that he kept physical relations against her wish. On 07/12/2024, again he kept physical relations against her wish. On 08/12/2024, when she was alone he again came to her house and again established physical relations. At that time, the informant's son returned home. Therefore, the Applicant pushed him and went away. The informant got scared and consumed phenol. After that she was treated and then she lodged this FIR.

4. Learned counsel for the Applicant submitted that from

the FIR itself it is clear that it was a consensual relationship. They were closely related. She had not made complaint to her family members or anybody else. The Applicant used to come when she was alone in the house. But she had never taken any steps to prevent him from coming to her house

5. Learned APP produced the investigation papers before me. The investigation papers contain the statement of the informant recorded under Section 164 of Cr.P.C.

6. I have perused that statement. She has not referred to the incidents which had taken place since past six months as mentioned in the FIR. Her statement is totally silent about these incidents. There is reference to only one incident dated 07/02/2024. As per that statement even on 08/02/2024, there was no physical relation but the Applicant was trying to hold her, in the meantime her son came home and the Applicant went away. Thus there is material and significant discrepancy between her two statements. Hence, it appears that the first informant is not telling

the truth. Her version is unreliable. In this view of the matter, the Applicant's custodial interrogation is not justifiable, he can be protected under section 438 of Cr.P.C. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R No. 45 of 2024 registered at Lasalgaon Police Station, Nashik, the Applicant is directed to be released on bail on his executing PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)