

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1529 OF 2024**

Navnath Madhukar Gade ... Applicant
vs.
The State of Maharashtra ... Respondent

Mr. Kuldeep Nikam a/w. Mr. Prasad Avhad for applicant.

Ms. Rutuja A. Ambekar, APP for respondent-State.

B. K. Koli, PSI, M.I.D.C. Sinnar Police Station, District Nashik

CORAM : MANISH PITALE, J.

DATE : 14th JUNE, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for respondent-State.

2. By this application, the applicant seeks anticipatory bail as he apprehends arrest in the context of FIR No.0214 of 2024 dated 07.05.2024 registered at Sinnar Police Station, Nashik Rural for offences under Sections 376, 323 and 506 of Indian Penal Code, 1860. The statement of the informant (victim), which led to registration of FIR shows that according to her, when she was returning from agricultural field at about 10:30 a.m. on 06.05.2024, the applicant-accused accosted her and thereupon, there was a scuffle between the two, as the applicant allegedly sought to force himself on her. It is stated that the applicant committed forcible sexual intercourse with her and when the brother-in-law of the victim happened to reach the spot, the applicant ran away.

3. The learned counsel for the applicant submits that the victim and the applicant have been in consensual relationship for a few months and that the

applicant has been falsely implicated only when their relationship was revealed to the family of the victim. The learned counsel for the applicant submits that the victim being in relationship with the applicant, is evident from certain photographs and transcript of conversation between them on mobile phone. A few colour photographs and the transcript were placed before this Court. On this basis, it was submitted that this Court may consider allowing the present application as the applicant undertakes to co-operate with the investigation.

4. On the other hand, the learned APP has placed before this Court the medical examination report of the victim, conducted on 07.05.2024 i.e. the date of registration of FIR. The aforesaid report shows abrasions on the neck, as also the left and right sides of cheeks. These injuries match with the description of the incident given by the victim in her statement, which led to registration of FIR.

5. Even if this Court is to proceed on the theory of the applicant that there was consensual relationship with the victim, it would not *ipso facto* mean that the applicant could have forced himself on the victim in the manner in which it is described by her.

6. FIR is recently registered on 07.05.2024 and the investigation is still at nascent stage. No case is made out by the applicant for grant of anticipatory bail.

7. Hence, the application is rejected.

(MANISH PITALE, J)

Priya Kambli